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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,  
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Proposal for a

**COUNCIL REGULATION**

**establishing a Community Code on the rules governing the movement of persons across borders**

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## TABLE OF CONTENTS

<b>EXPLANATORY MEMORANDUM</b> .....	4
1. Introduction .....	4
2. Objectives and content of the proposal: from a recasting of the Common Manual to a Community code on the rules governing the movement of persons across borders ....	8
3. Choice of legal basis .....	10
4. Subsidiarity and proportionality .....	11
5. Consequences of the various protocols annexed to the treaties .....	11
United Kingdom and Ireland	
Denmark	
Norway and Iceland	
6. Consequences for the new Member States of the two-stage procedure for implementing instruments building on the Schengen acquis .....	12
7. Comments on the Articles .....	13
ANNEX – Provisions of the Common Manual not taken over .....	37
<b>COUNCIL REGULATION establishing a Community code on the rules governing the movement of persons across borders</b> .....	39
Title I – General provisions .....	43
Title II – External borders .....	46
Chapter I Crossing of external borders and entry conditions .....	46
Chapter II Control of external borders and refusal of entry .....	48
Chapter III Resources for border checks and cooperation between Member States .....	52
Chapter IV Special detailed rules for border checks and specific procedures .....	54
Title III – Internal borders .....	55
Chapter I Abolition of controls at internal frontiers .....	55
Chapter II Safeguard clause .....	55
Title IV – Final provisions .....	58
ANNEX I – Authorised border crossing-points .....	60

ANNEX II – Documentary evidence establishing the likelihood of the reasons for entry ....	186
ANNEX III – Reference amounts required for crossing borders fixed annually by the national authorities .....	188
ANNEX IV – Checks at authorised border crossing-points .....	198
ANNEX V – Relaxation of checks at land borders.....	200
ANNEX VI – Model signposts identifying gates at frontier crossing-points .....	201
ANNEX VII – Affixing stamps .....	205
ANNEX VIII	
Part A: Procedures for refusing entry.....	206
Part B: Standard form for refusing entry.....	209
ANNEX IX – List of national services responsible for border controls .....	211
ANNEX X – Special detailed rules for different types of border and the different means of transport used for crossing the Member States' external border .....	213
ANNEX XI – Special arrangements for certain categories of persons .....	220
ANNEX XII – Model cards issued by Foreign Ministries.....	223
ANNEX XIII – Correlation table .....	224

## EXPLANATORY MEMORANDUM

### 1. INTRODUCTION

The Commission Communication Towards integrated management of the external borders of the Member States of the European Union of 7 May 2002 (hereafter “Communication on external borders”)<sup>1</sup> identified five essential components of the common policy on the integrated management of external borders:

- a) a common corpus of legislation;
- b) a common operational coordination and cooperation mechanism;
- c) a common integrated risk analysis;
- d) staff trained in the European dimension and interoperational equipment;
- e) burden-sharing between Member States in the run-up to a European Corps of Border Guards.

As regards the common corpus of legislation, the recasting of the Common Manual on checks at the external borders<sup>2</sup> was identified as a measure to be taken in the short term,<sup>3</sup> in particular “to clarify the legal status of its provisions and make them a source of law alongside other legal instruments in place” and to “introduce into the Common Manual certain best practices, proceeding on the basis of the Schengen Catalogue of Best Practices”.<sup>4</sup> This was incorporated in the Plan for the management of external borders of the Member States of the European Union approved by the JHA Council on 13 June 2002 and backed by the Seville European Council of 21 and 22 June. The Thessaloniki Council of 19 and 20 June 2003 urged the Commission “to present, as soon as possible, proposals on the recast of the Common Manual, including the stamping of travel documents of third-country nationals”.<sup>5</sup>

This is, therefore, an important initiative as part of the consolidation and development of the legislative side of the policy of integrated border management,

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<sup>1</sup> COM(2002) 233 final.

<sup>2</sup> Decision of the Executive Committee of 28 April 1999 on the definitive versions of the Common Manual and the Common Consular Instructions (SCH/Com-ex (99) 13) (OJ L 239, 22.9.2000, p. 317). An updated version of the Common Manual, without certain confidential annexes, was published in OJ C 313, 16.12.2002, p. 97.

<sup>3</sup> Other measures proposed in the short term included the production of a practical handbook for use by border guards and also available in electronic form, and the adoption of common measures on local border traffic (see the two proposals for regulations presented by the Commission on 14.8.2003: COM(2003)502final - 2003/0193 (CNS) and 2003/0194 (CNS)). The long-term measures included a formalised process of exchanging and processing data and information between authorities operating at the external borders and those operating within the common area of freedom of movement, and the definition of an institutional and legal framework (powers, areas of action, etc.) for a future European Corps of Border Guards.

<sup>4</sup> EU Schengen Catalogue, External border controls, removal and readmission: Recommendations and best practice, Council of the European Union, SG - DG H, 28.2.2002.

<sup>5</sup> On this final point see the proposal for a Regulation presented by the Commission on 6.11.2003: COM(2003)664 final.

just as the future European Agency for the management of operational cooperation at the external borders forms the key to developing the operational side of the policy.<sup>6</sup> Obviously, the role of the Agency will be fundamental in implementing the common rules provided for in Title II of this Regulation. An explicit reference is made to the Agency's role in Article 14 on operational cooperation between the Member States "with a view to the effective implementation of border checks" (see the comments on this Article).

On the legislative side, the Common Manual, which was produced as part of the Schengen intergovernmental cooperation and incorporated in the institutional and legal framework of the European Union following the entry into force of the Treaty of Amsterdam,<sup>7</sup> is currently the basic instrument governing controls at the external borders of the Member States of the European Union, even though certain principles also appear in the Schengen Convention itself,<sup>8</sup> and a number of its specific provisions feature in other separate decisions.<sup>9</sup>

Although the Schengen acquis,<sup>10</sup> and in particular the Schengen provisions that have their legal base in the EC Treaty,<sup>11</sup> are now part of the Community acquis<sup>12</sup> that applies to all Member States,<sup>13</sup> it differs from normal Community law in certain respects:

- it is not standard Community law in that it does not take the form of characteristic instruments such as regulations and directives. This can lead to ambiguity about the legal value of certain Schengen provisions (see the considerations on the nature of the Common Manual, below);

- these are decisions and measures adopted in a purely intergovernmental framework and thus, obviously, without the participation of the Community institutions,<sup>14</sup> and particularly the European Parliament.

As a result, the question of "converting" the Schengen acquis that was being incorporated into the Union into regular instruments of Community law was already

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<sup>6</sup> See the proposal for a Council Regulation (currently being adopted) COM (2003)687 final, 11.11.2003.

<sup>7</sup> See the Protocol integrating the Schengen acquis into the framework of the European Union, annexed to the EC and EU Treaties by the Treaty of Amsterdam.

<sup>8</sup> Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 239, 22.9.2000, p. 19).

<sup>9</sup> See, for example, the Decision of the Executive Committee of 22 December 1994 introducing and applying the Schengen arrangements in airports and aerodromes (SCH/Com-ex (94) 17, rev. 4) (OJ L 239, 22.9.2000, p. 168).

<sup>10</sup> For a definition of the Schengen acquis see Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the acquis (OJ L 176, 10.7.1999, p.1).

<sup>11</sup> See Council Decision 1999/436/EC of 20 May 1999 determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis (OJ L 176, 10.7.1999, p.17).

<sup>12</sup> Provisions with a legal base in the EU Treaty are part of the acquis of the Union.

<sup>13</sup> At the moment with the exception of the United Kingdom and Ireland: see the comments in section 5 below on their particular situation with regard to the Schengen acquis and the position of Denmark and two other non-Member States (Norway and Iceland).

<sup>14</sup> The Commission did, however, have observer status in the Schengen bodies.

being raised at the time of the first Scoreboard to review progress on the creation of an area of “Freedom, security and justice” in the European Union, which dates from 24 March 2000.<sup>15</sup> The conclusion at that point was that “the priority with which there is a need to convert Schengen provisions into “Amsterdam” instruments will depend more on developments than on any absolute requirement to convert them for the sake of doing so” (COM (2000)167, point 1.3).

In the case of the Common Manual the policy reasons behind the decision on recasting were discussed above. From the technical and legal point of view, the Common Manual is something of a hybrid, in that it is both a source of Community law, creating as it does rights and obligations, and a practical handbook for border guards, theoretically containing all the information that is vital to them but borrowed from other legal sources as well.

The dual nature of the Common Manual can lead to ambiguities about its legal value, particularly as some of its sections and annexes merely reproduce the content of other instruments, such as the Schengen Convention or the Common Consular Instructions.<sup>16</sup>

The very first discussions about the need to revise the Common Manual date back to a few months after the entry into force of the Treaty of Amsterdam, following an initiative by the Finnish Presidency (October 1999) to send the Member States a questionnaire on the subject and on the confidentiality requirements of the Manual. The debate then continued through successive Presidencies,<sup>17</sup> during which it emerged that most of the Member States wished to amend, clarify or develop certain parts or provisions of the Manual.<sup>18</sup> As a result of these discussions, individual decisions were adopted abolishing or updating certain provisions of the Manual or declassifying parts of it, but no comprehensive and coherent review of the provisions on external borders has ever been achieved.

In view of the complexity of such an exercise, and the fact that a number of additional questions had arisen in the course of the debate, the Commission thought it advisable to start by presenting a working document on the subject (SEC(2003)736, 20.6.2003), to examine in depth the *acquis* on external borders, the gaps that exist and the problems related to the current structure of the Common Manual.

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<sup>15</sup> COM(2000) 167 final The idea of the Commission setting up a scoreboard that would be regularly updated had been raised by the Tampere European Council of 15 and 16 October 1999. Its purpose would be to “keep under constant review progress made towards implementing the necessary measures and meeting the deadlines set by the Treaty of Amsterdam, the Vienna Action Plan and the conclusions of Tampere for the creation of an “area of freedom, security and justice”.

<sup>16</sup> Decision SCH/Com-ex(99)13, *op. cit.* An updated version was published in OJ C 310, 19.12.2003.

<sup>17</sup> See, in particular, the memorandum of the Swedish Presidency and the future Belgian Presidency on the revision of the Common Manual (Council doc. No. 9733/01 FRONT 44 COMIX 433, 18.6.2001), advocating a three-step approach: removal of superfluous provisions from the Manual, examination of provisions requiring clarification and new elements for inclusion, and finally devising a new structure to make it easier to use for the border authorities of the Member States.

<sup>18</sup> See the replies of the Member States to the questionnaire sent out by the Swedish Presidency in June 2001 on the nature/structure of the Manual (Council doc. 12290/01 FRONT 55 COMIX 654, 2.10.2001).

On the basis of this analysis, the working document presented various options for the future, and particularly on:

- whether to retain the present structure of the Manual or to clarify its legal status by making a clear distinction between the legislative instrument on the one hand and the practical handbook for border guards on the other;
- whether to restrict the operation to a simple clean-up of the current Manual or to expand certain parts in order to fill in the gaps identified, incorporating relevant provisions from other instruments where necessary;
- the need for a “basic act” containing all the basic principles and rules on external frontiers which, under Article 202 of the Treaty, would then confer on the Commission the power to adopt the measures implementing the basic act.

The Commission also took the opportunity to consider the additional question of whether it might be worth extending the scope of the External Borders Code to cover internal borders too, thereby establishing a full Community code on the rules governing the movement of persons across borders, consisting of two parts - one on external borders, the other on internal borders.

A questionnaire containing these basic questions was sent to the Member States by the Presidency at the end of July 2003; the vast majority of delegations came out in favour of the Commission's proposals on separating the legal instrument and the practical handbook and on the need to go beyond a mere clean-up of the Manual. The majority of Member States did not express a definitive opinion about the other two questions, but agreed that further debate would be needed once there were some firm proposals on the table.

At the same time as this in-depth debate on the Common Manual was going on, proposals were presented on two specific areas in which the Council had asked the Commission to take measures quickly, namely local border traffic and the stamping of travel documents.<sup>19</sup> The content of these proposals has, of course, been included in this regulation, and once this proposal has been adopted it will replace the various individual initiatives on border matters.

## **2. OBJECTIVES AND CONTENT OF THE PROPOSAL: FROM A RECASTING OF THE COMMON MANUAL TO A COMMUNITY CODE ON THE RULES GOVERNING THE MOVEMENT OF PERSONS ACROSS BORDERS**

The objective of this proposal, as originally envisaged by the Commission in its Communication on external borders and as set out in the Plan for the management of external borders (see point 1 above), was to recast the Common Manual, i.e. remove obsolete and redundant provisions and develop or clarify points, as required, on the basis of an analysis of the problems encountered on the ground, the results of the Schengen evaluation missions, the recommendations in the Schengen Catalogue of Best Practices or work done on one or other issue in the relevant bodies of the Council.

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<sup>19</sup> COM(2003)502 and COM(2003)664 respectively.



However, in the course of the discussions about the subject it became clear that a more general debate was needed on the entire acquis relating to border checks on individuals - including the relevant provisions of the Schengen Convention and other decisions by the Executive Committee - in order to produce a consolidated and coherent text governing this field.

In addition, as explained in point 1, the Commission decided that this would be a good opportunity to look at the issue more generally and include internal borders as well, and specifically the arrangements for temporarily reintroducing checks at the internal borders of the area of free movement if circumstances warrant it.

It is therefore clear that this proposal for a regulation goes well beyond a mere recasting of the Common Manual, because it seeks to establish a genuine Community Code on the rules governing the movement of persons across borders, with one part on external borders (Title II) and one part on internal borders (Title III). The two parts are undeniably complementary, not only because of the way external borders are defined in relation to internal borders (Article 2 of the proposed regulation), but also because the checks that have to be made at the external borders (Title II of this regulation) are the same as those which are, in principle, prohibited at the internal borders, under Title III of the regulation (although they may be temporarily reinstated in exceptional circumstances; see Articles 20 to 24 of this Regulation).

In the case of internal borders, the content of Article 2 of the Schengen Convention and the decision of the Schengen Executive Committee SCH/Com-ex(95)20, rev. 2 are essentially taken over in the proposal, with certain modifications to suit the Community legal framework. In addition, a new element has been added to the existing acquis in the form of the possibility of jointly and simultaneously reintroducing checks at internal borders in the event of an exceptionally serious cross-border threat and, in particular, a cross-border terrorist threat.

In the case of external borders, a distinction is made between the basic principles governing checks - set out in Title II of the regulation, which broadly reproduces Articles 3 to 8 of the Schengen Convention and certain parts of the Common Manual - and the practical arrangements for implementing these checks, including the control arrangements specific to different types of border (land, air and maritime). These arrangements are included in Annexes I to XII to this Regulation and will, in future, be subject to amendment via a committee procedure, in accordance with Article 202 of the EC Treaty and Council Decision 1999/468/EC.

The reason for annexing these practical provisions to the basic regulation is that most of these rules already exist, because they are part of the Common Manual or incorporate other existing Schengen decisions. This will allow all the existing acquis on external and internal borders to be collated in a single instrument, thus establishing a genuine Community Code on the rules governing the movement of persons across borders.

At the same time, the Commission considers that these practical provisions are in fact measures implementing the principles set out in Title II of the regulation and, as

such, should in future be amended according to a committee procedure (see Article 30 of the regulation).<sup>20</sup>

Although the content of these provisions largely reproduces the current text of the Common Manual, changes have been introduced where necessary, for example:

- a) to remove provisions that are redundant (for example the repetition of certain articles of the Schengen Convention or certain parts of the Common Consular Instructions) or superfluous (for example the current paragraph 1.1 of Part I on the consequences of entry authorisation, because the right of movement within the Schengen area for a period of up to three months is already governed by other provisions of the *acquis*);<sup>21</sup>
- b) to develop certain parts in the light of recent discussions in the competent bodies of the Council (for example on reorganisation of infrastructure/separate lanes at land border crossing-points and checks on private aircraft), proposals made by the Commission or a Member State on specific issues (such as local border traffic, stamping of travel documents, or refusal of entry),<sup>22</sup> as well as recommendations in the Schengen Catalogue of Best Practices. For the section on checks at maritime borders it proved necessary to undertake a more detailed examination, involving experts from the Member States. The new proposals, therefore, also take account of the discussion with these experts that took place in Brussels on 4 December 2003;
- c) to clarify or update certain points, such as the paragraphs on seamen (point 6.5 of Part II of the current Manual).

A table correlating the provisions of the proposed regulation with those of the Schengen Convention, the Common Manual and the other Schengen decisions being replaced is given in Annex XIII. A table listing the provisions that have not been included and the reasons for their omission is also annexed.

Obviously, all the changes required by the change from an intergovernmental framework to the Community framework have also been made in the new text (e.g. substituting “Member States” for “Contracting Parties” and so on).

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<sup>20</sup> By means of Regulation (EC) No 790/2001, the Council reserved to itself, “during the transitional period of five years referred to in Article 67(1) of the Treaty establishing the European Community,” implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance, “pending a review by the Council of the conditions under which such implementing powers would be conferred on the Commission after the end of this transitional period” (Recital 5). Similarly, Regulation (EC) No 789/2001 reserved to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications. This reservation of powers concerning the implementation of border checks covers a large proportion of the current provisions of the Common Manual and its annexes. The Commission takes the view that these two regulations violate Article 202 of the Treaty and Article 1 of Decision 1999/468 and on 3 July 2001 brought an action against the Council before the Court of Justice, seeking annulment of the two regulations (OJ C 245, 1.9.2001, p.12 - Case C-257/01).

<sup>21</sup> Articles 20 and 21 of the Schengen Convention, for which the legal base in the EC Treaty is Article 62(3) (see Decision 1999/436/EC of 20 May 1999, *op. cit.*).

<sup>22</sup> The developments that have been suggested and incorporated in the proposed regulation are based on the current text of the various proposals. Their content will obviously be adapted in line with progress in the negotiations on these proposals.

Once the discussions about this proposal are sufficiently well-advanced, the Commission will start to think about the form and content of the practical handbook for border guards. At this point it will be important to take into account the discussions that have already taken place on this question.<sup>23</sup>

### **3. CHOICE OF LEGAL BASE**

The proposed legal base for this regulation is Article 62(1) and (2)(a) of the EC Treaty because this legislation involves both “measures with a view to ensuring, in compliance with Article 14, the absence of any controls on persons, be they citizens of the Union or nationals of third countries, when crossing internal borders” (Article 62(1)) and “measures on the crossing of the external borders of the Member States”, and specifically “standards and procedures to be followed by Member States in carrying out checks on persons at such borders” (Article 62(2)(a)).<sup>24</sup>

Because the proposal is based on Title IV of the EC Treaty (Visas, asylum, immigration and other policies related to free movement of persons), it must be presented and adopted in accordance with the protocols on the position of the United Kingdom, Ireland and Denmark, annexed to the Treaty of Amsterdam. Under Article 6 of the protocol integrating the Schengen acquis into the framework of the European Union (Schengen protocol), Norway and Iceland are also associated with the implementation and further development of the Schengen acquis. The consequences of the various protocols are examined in point 5 below.

### **4. SUBSIDIARITY AND PROPORTIONALITY**

Under Article 62(1) and (2)(a) of the EC Treaty, the Community has the power to adopt measures relating to the crossing of the internal borders of the Member States, in order to ensure the absence of any controls on persons, and the crossing of the external borders. Such measures must be adopted within five years of the entry into force of the Treaty of Amsterdam.

The current Community provisions on the crossing of the external borders of the Member States and the absence of controls on persons at the internal borders form part of the Schengen acquis that has been integrated into the framework of the European Union. However, the existing acquis needs to be clarified, developed and supplemented. Obviously, the existing acquis on the internal and external borders can only be developed by adopting Community measures based on the EC Treaty.

Article 5 of the EC Treaty states that “action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty”.

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<sup>23</sup> See in particular the document presented by the Belgian Presidency “Proposal for the introduction of a practical guide for border guards” (doc. 12876/01 FRONT 56 COMIX 679, 17.10.2001).

<sup>24</sup> See Decision 1999/436/EC, *op. cit.* In the case of the legal base for the decision relating to the definitive versions of the Common Manual and the Common Consular Instruction (SCH/Com-ex(99)13) there is, however, a discrepancy between the different language versions: the English and French versions in OJ L 176 cite Article 62 and Article 63 of the EC Treaty as the legal basis for the Manual and the Common Consular Instruction, whereas all the other language versions give only Article 62 of the EC Treaty.

The form chosen for this Community action must enable the proposal to achieve its objective and be implemented as effectively as possible.

Given that the proposed initiative – the creation of a Community Code on the rules governing the movement of persons across borders – constitutes a further development of the Schengen acquis, the instrument is to be in the form of a regulation, in order to ensure that it is applied in the same way in all the Member States that apply the Schengen acquis.

## **5. CONSEQUENCES OF THE VARIOUS PROTOCOLS ANNEXED TO THE TREATIES**

The legal base for the proposals on measures relating to the crossing of the internal and external borders of the Member States is to be found in Title IV of the EC Treaty, with the result that the system of variable geometry, provided for in the protocols on the position of the United Kingdom, Ireland and Denmark and the Schengen protocol, applies.

This proposal builds upon the Schengen acquis. Therefore the following consequences in relation to the various protocols have to be considered:

### **United Kingdom and Ireland**

Under Articles 4 and 5 of the protocol integrating the Schengen acquis into the framework of the European Union, “Ireland and the United Kingdom of Great Britain and Northern Ireland, which are not bound by the Schengen acquis, may at any time request to take part in some or all of the provisions of this acquis”.

This proposal builds on the provisions of the Schengen acquis, in which the United Kingdom and Ireland do not participate, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis and Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis. The United Kingdom and Ireland do not, therefore, take part in its adoption and are not bound by this proposal or required to apply it.

In addition, as far as internal borders are concerned (Title III of the Regulation), account must also be taken of the protocol on the application of certain aspects of Article 14 of the Treaty establishing the European Community to the United Kingdom and Ireland, under which the United Kingdom and Ireland are allowed to adopt or exercise controls at their borders, including the borders of territories for whose external relations the United Kingdom is responsible. The same protocol allows the other Member States to exercise controls on persons entering their territory from the United Kingdom (or any territories whose external relations are under its responsibility) and from Ireland.

### **Denmark**

Under the Protocol on the position of Denmark, annexed to the Treaty of Amsterdam, Denmark does not take part in the adoption by the Council of the measures pursuant to Title IV of the EC Treaty, with the exception of “measures

determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States, or measures relating to a uniform format for visas” (former Article 100c of the EC Treaty).

This proposal builds on the Schengen acquis, and under Article 5 of the Protocol “Denmark shall decide within a period of six months after the Council has decided on a proposal or initiative to build upon the Schengen acquis under the provisions of Title IV of the Treaty establishing the European Community whether it will implement this decision in its national law”.

### **Norway and Iceland**

In accordance with the first paragraph of Article 6 of the Schengen protocol, an Agreement was concluded on 18 May 1999 between the Council, Norway and Iceland to associate these countries with the implementation, application and development of the Schengen acquis.<sup>25</sup>

Article 1 of this Agreement states that Norway and Iceland will be associated with the activities of the European Community and the European Union in the fields covered by the provisions referred to in Annexes A (provisions of the Schengen acquis) and B (provisions contained in the instruments of the European Community that replaced the corresponding provisions of the Convention signed at Schengen or adopted pursuant to it) to this Agreement and their further development.

Article 2 of the Agreement stipulates that all acts and measures taken by the European Union amending or building upon the Schengen acquis (Annexes A and B) will also be implemented and applied by Norway and Iceland.

This proposal supplements and builds on the Schengen acquis as defined in Annex A to the Agreement.

It must, therefore, be discussed in the Mixed Committee, as stated in Article 4 of the Agreement, to give Norway and Iceland the opportunity “to explain the problems they encounter in respect of a particular act or measure” and “to express themselves on any questions concerning the development of provisions of concern to them or the implementation thereof”.

## **6. CONSEQUENCES FOR THE NEW MEMBER STATES OF THE TWO-STAGE PROCEDURE FOR IMPLEMENTING INSTRUMENTS BUILDING ON THE SCHENGEN ACQUIS**

Article 3(1) of the Act of Accession states that the provisions of the Schengen acquis and the acts building upon it or otherwise related to it, listed in Annex I to the Act, will be binding on and applicable in the new Member States from the date of accession.<sup>26</sup> Provisions and acts not referred to in the Annex, while binding on the new Member States from the date of accession, will only apply in a new Member State pursuant to a Council decision to that effect taken in accordance with the article (Article 3(2) of the Act of Accession).

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<sup>25</sup> OJ L 176, 10.07.1999, p. 36.

<sup>26</sup> OJ L 236, 23.9.2003, p.33.

This is the two-stage implementation procedure, whereby certain provisions of the Schengen acquis are binding and applicable from the date of accession to the Union whereas others, specifically those linked intrinsically to the removal of checks at the internal borders, are binding from the date of accession but applicable in the new Member States only after the Council decision referred to above.

The Schengen provisions on external borders (Articles 3 to 8 of the Schengen Convention and their implementing decisions, in particular the Common Manual) are listed in the Annex and are therefore binding on and applicable to the new Member States from the date of accession.<sup>27</sup>

By contrast, the Schengen provisions on removing checks on persons at the internal borders are not listed in the Annex and are not, therefore, applicable to the new Member States from the date of accession.

As a result, this proposal, which replaces and builds on the Common Manual and certain provisions of the Schengen Convention with a view to establishing a Community Code on the rules governing the movement of persons across borders will, when adopted, be binding on and applicable to the new Member States only in respect of the provisions on the external borders (Title II and related Annexes, and Titles I and IV insofar as they refer to the provisions of Title II).

The provisions relating to the crossing of internal borders (Title III and Titles I and IV insofar as they refer to the provisions of Title III) will only apply in the new Member States pursuant to the Council decision referred to in Article 3(2) of the Act of Accession.

## 7. COMMENTS ON THE ARTICLES

### Title I – General provisions

#### Article 1

This Article defines the purpose of the regulation, namely to lay down rules governing the movement of persons across borders, to include both rules on checks at external borders (Title II and Annexes) and rules on the removal of checks on persons at internal borders and the reintroduction of such checks in certain circumstances (Title III).

#### Article 2

Most of the definitions given in this Article are taken from Article 1 of the Schengen Convention, although there was felt to be a need in certain cases to clarify or develop some of the existing definitions or to add new ones. They also had to be changed to take account of the Community framework and terminology (e.g. “Member States” instead of “Contracting Parties”).

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<sup>27</sup> With the exception of Article 5(1)(d), related to the consultation of the Schengen Information System.

Obviously, references to “Member States” in the definitions and, more generally, throughout the proposal, should be read in the light of, firstly, the Schengen Protocol, as regards the application of the Schengen acquis by the United Kingdom and Ireland (see point 5 above) and, secondly, Article 3 of the Treaty of Accession providing for the application of the Schengen acquis by the new Member States in two stages (point 6 above). In addition, the special position of Norway and Iceland with respect to the Schengen acquis must also be taken into account, as explained in point 5 above. In the Explanatory Memorandum the term “Schengen States” is used for purely practical reasons to refer to the states which apply the Schengen acquis in full, in accordance with the Treaties and the various protocols annexed to them.

The definitions of “internal borders” and “external borders” are essentially taken from Article 1 of the Schengen Convention, which defines as internal borders the common land borders of the Schengen States, their airports for internal flights and their sea ports for regular ferry connections. The concept of “lake ports” has been added here in order to include cases where a lake is surrounded by one or more Member States and by one or more non-Member State (e.g. Lake Constance, which is surrounded by Germany, Austria and Switzerland).<sup>28</sup>

The definition of “internal flight” is also taken from Article 1 of the Convention and covers any flight exclusively to or from the territories of the Schengen States.

The definition of a “regular ferry connection” has been added here because it forms part of the definition of internal borders. It is taken from the current definition in the part of the Manual dealing with checks on maritime traffic (point 3.4.1.5 of Part II), although it has been adapted to bring it into line with existing Community law.<sup>29</sup>

The concept of “third-country national” is defined by default, by excluding citizens of the European Union within the meaning of Article 17(1) of the EC Treaty. It therefore also includes refugees and stateless persons.

The definition of “third country national for whom an alert has been issued for the purposes of refusing entry” is taken from Article 1 of the Schengen Convention and means any third country national for whom an alert has been issued for the purposes of refusing entry in the Schengen Information System in accordance with Article 96 of the Schengen Convention.

The concept of “persons enjoying the Community right of free movement” is an innovation over the Convention and covers:

- Union citizens within the meaning of Article 17(1) of the Treaty, and third-country nationals who are members of the family of a Union citizen exercising his or her right to free movement, as referred to in Directive 2004/38/EC 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

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<sup>28</sup> Without prejudice to the ongoing negotiations with the Swiss Confederation with a view to its association with the application of the Schengen acquis.

<sup>29</sup> Directive 2002/6/EC of 18 February 2002 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community (OJ L 67, 9.3.2002, p. 31) and Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p. 135).

States, which details the rights enjoyed by these categories (see commentary on Article 3);

- third-country nationals and their family members, whatever their nationality, who, under agreements between the Community and its Member States, on the one hand, and these countries, on the other, enjoy rights of free movement equivalent to those of citizens of the Union. This includes the countries party to the Agreement on the European Economic Area and the Swiss Confederation.

The definition of “border crossing-point” is taken from Article 1 of the Schengen Convention and means any crossing-point authorised by the competent authorities for crossing external borders.

The concept of “border check” is taken from Article 1 of the Schengen Convention and means a check carried out at a border in response exclusively to an intention to cross that border. To clarify the meaning and scope, the general concept of border check includes:

- checks carried out at authorised border crossing-points, and
- surveillance of borders outside authorised border crossing-points.

The definition of “border guard” is given in order to simplify the reference to the national authorities responsible, in accordance with the national legislation of each Member State, for carrying out border control tasks.

The definition of “local border traffic” is an innovation over the Schengen Convention and refers to Article 3 of the Commission proposal for a Regulation on the establishment of a regime of local border traffic at the external land borders of the Member States, currently under discussion (COM (2003)502 final, 2003/0193(CNS)).

The definition of “carrier” is wholly taken from Article 1(2) of the Schengen Convention and refers to any natural or legal person whose occupation it is to provide passenger transport by air, sea or land.

The definition of “residence permit” is taken from Article 1(2) of Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals.<sup>30</sup> This definition in turn is taken from Article 1 of the Schengen Convention, though to avoid all ambiguity it adds a provision that visas are not covered by the definition of “residence permit”. Point (iii) of Article 1(2)(a) of Regulation (EC) No 1030/2002, which excludes certain residence permits issued by Member States not applying the provisions of Article 21 of the Schengen Convention (in particular the United Kingdom, though it does apply Regulation (EC) No 1030/2002), is not taken over as it is not relevant for the purposes of this Regulation.

These last three definitions are taken over from the current point 3.4.1, Part II, of the Common Manual.

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<sup>30</sup> OJ L 157, 15.06.2002, p. 1.



### Article 3

This Article defines the scope of the proposal, which applies to all persons crossing the border of a Member State but without affecting the rights of certain specific categories under other instruments of Community law. Article 134 of the Schengen Convention (obsolete since 1 May 1999) already provided that “The provisions of this Convention shall apply only in so far as they are compatible with Community law”.

Regarding persons enjoying the rights conferred by Community law, that means that this Regulation does not affect the provisions of Directive 2004/38/EC 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, nor existing agreements with certain third countries on the free movement of persons (see commentary on Article 2). Article 5 of that Directive provides that Union citizens have the right to leave their territory to travel to another Member State with a valid identity card or passport (for family members who are not nationals of a Member State, this right shall be the same as for the Union citizen whom they accompany or join, though they can be required to hold a visa, which must be issued free of charge and give every facility). Consequently, Union citizens and other persons enjoying the Community right to free movement are subject to the thorough checks provided for by Article 6 only where there is evidence that the person represents a genuine, present and sufficiently serious threat affecting public order, public security or public health in a Member State. This also applies to refusals to admit (Article 11 of this Regulation): persons enjoying the rights given by Community law can be refused entry only where there is a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society, in accordance with Article 27 of that Directive. The Directive also governs the procedural assurances given to persons enjoying the Community right to free movement where a decision refusing admission is taken.

As regards refugees and applicants for international protection, the reference is first and foremost to the rights conferred by the Geneva Convention of 28 July 1951 on the Status of Refugees, as amended by the New York Protocol of 31 January 1967, and the various instruments of Community law that have been or are being adopted on international protection (see commentary on Article 2).

The purpose of the reference to long-term residents within the meaning of Directive 2003/109/EC is to safeguard the rights conferred by that Directive, since long-term residents enjoy better terms than other third-country nationals as regards residence in other Member States.

### Title II – External borders

#### Article 4

Paragraphs 1 and 2 are taken over from Article 3(1) of the Schengen Convention and points 1.3, 1.3.1, 1.3.2 and 1.3.3 of the Common Manual (Part I). These provisions establish the general principle that borders must be crossed only at authorised border crossing-points and during the fixed opening hours, though there are exceptions from this principle, for example under the regime of local border traffic, pleasure boating or coastal fishing and for seamen going ashore. An existing practice has also been

added and spelled out, which is that specific crossing-points may be reserved for residents of border areas under the regime of local border traffic. This is consistent with the Commission proposals on the establishment of a regime of local border traffic (COM (2003)502 final).

The list of authorised border crossing-points is in Annex I to this Regulation (currently Annex 1 to the Manual).

Paragraph 3 is a version of Article 3(2) of the Schengen Convention relating to penalties for the unauthorised crossing of external borders modified to make it conform more closely with Community practice without affecting the principle. A reference to international protection obligations has been added. This refers particularly to Article 31 of the Geneva Convention on refugee status; that Article prohibits the imposition of criminal penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

#### Article 5

Paragraph 1 takes over the uniform entry conditions provided for by Article 5(1) of the Schengen Convention. A Member State at whose border the third-country national presents himself is responsible for entry controls not only in its own interest but also in the interest of all the other Schengen States, since there are no longer any border controls within Schengen. That is why, for example, the assessment of the threat to public order and internal security must reflect the interests of all the Schengen States, initially via the SIS but also through the exchange of other relevant information between competent authorities.

In addition to the conditions provided for by the Schengen Convention, there is a new condition of not representing a threat to public health. In certain limited circumstances, this is already seen as a valid ground for refusing entry of a Union citizen (Directive 64/221/EEC). It is taken over in the new Directive 2004/38/EC 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, which specifies how the criterion is to be applied. The introduction of public health in this Regulation brings the two pieces of legislation into line and avoids differences of treatment between Union and third-country nationals.

The documents that are valid for crossing borders are determined by Executive Committee Decisions SCH/Com-ex (98)56 and SCH/Com-ex (99)14 of 28.4.1999,<sup>31</sup> which establish among other things a *Table of travel documents entitling the holder to cross the external borders and to which a visa may be affixed*, periodically updated by the Council General Secretariat.

Paragraph 2 refers to Annex II as regards the supporting documents and information used to verify fulfilment of the conditions set out in paragraph 1. Clearly, such documentary evidence, concerning the reasons for entry for a short stay in the

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<sup>31</sup> OJ L 239, 22.9.2000, p. 207 and p. 298.

Member States, should not be required of third-country nationals who hold a valid residence permit issued by a Member State. The existing categories (business trips, journeys undertaken for the purposes of tourism, etc.) are supplemented by a point concerning the documentary evidence to be produced by persons eligible for a local border traffic regime. This is linked to the two Commission proposals for Regulations on the establishment of a regime of local border traffic (COM(2003) 502 final), which mention, among the conditions for entry, the existence of “documents proving their status of border residents and the existence of legitimate reasons to frequently cross the border ... such as family links, social, cultural or economic motives”. It is therefore necessary to spell out, at least for guidance, what types of document may actually be required of border residents under a local border traffic regime. And a point has been added concerning the obligation on third-country nationals requiring a visa to have travel insurance cover. This incorporates, with minor adjustments, the paragraph recently inserted into the Common Manual by the Council Decision on travel insurance (Decision 2004/17/EC of 22 December 2003).

Paragraph 3 concerns criteria for assessing means of subsistence; it refers to Annex III (currently Annex 10 to the Manual) for the reference amounts required for crossing borders fixed annually by the national authorities.

The principle in paragraph 4 is not explicit in Article 5 of the Schengen Convention, but it flows from Article 21 (which provides for the possibility for the holder of a residence document issued in a Schengen State to travel to other Schengen States for three months). It is also mentioned in the current point 6.2 of Part II of the Manual.

Paragraph 5 takes over Article 5(3) of the Schengen Convention on the admission in transit of third-country nationals holding a residence permit or authorisation or a re-entry visa issued by one of the Member States – even if they do not fulfil all the entry conditions – unless their names are on the national list of alerts of the Member State whose external borders they are seeking to cross.

Paragraph 6 specifies that the residence permits and authorisations referred to in paragraphs 4 and 5 cover all residence permits issued by the Member States (on or after 12 August 2004) according to the uniform format laid down by Regulation (EC) No 1030/2002, which establishes a uniform format for residence documents, and all other residence permits and authorisations and return visas referred to in Annex 4 to the Common Consular Instructions.

#### Article 6

This Article, which broadly takes over Article 6(1) and (2) of the Schengen Convention and point 1.2 of Part II of the Common Manual, determines uniform principles for conducting border checks.

Paragraph 2 specifies that all persons crossing external borders, including Union citizens, must undergo a check in order to establish their identities on the basis of the production or presentation of their travel documents. It is then specified that checks must be carried out by each Member State in accordance with its legislation and may also cover the vehicles and objects in the possession of the persons crossing the border. For the purposes of this Regulation, however, checks on vehicles and articles belonging to a person crossing an external border are designed solely to verify

compliance with the conditions laid down in Article 5, in particular the prevention of illegal immigration (for example, checks that illegal migrants are not concealed in a vehicle) and possible threats to the Member States' internal security and public order (for example, checks that the person is not in possession of weapons or other dangerous objects). But it does not preclude other types of checks (customs, veterinary and plant-health checks, for instance) being carried out on the basis of the relevant Community or national legislation.

On entry and exit, third-country nationals must be subject to a thorough check (paragraph 3), to verify the purpose of their visit and ensure that they do not constitute threats to the public policy, internal security and public health of the Member States.

As has been seen (commentary on Article 3), thorough checks are not to be made on persons enjoying the Community right to free movement unless there is evidence that the person represents a genuine, present and sufficiently serious threat affecting public order, public security or public health in a Member State.

Paragraph 4 refers to Annex 4 as regards the practical details of checks on persons.

#### Article 7

This Article is an amended version of the current Article 6(2)(e) of the Schengen Convention. The new formulation, in particular as it limits the possibility of refraining from making checks to "unforeseen and exceptional circumstances", is taken over from the Commission proposal on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third-country nationals (COM (2003)664, 6 November 2003). In addition, the possibility for a third-country national to have his travel document stamped even where checks are relaxed is also taken over from that proposal.

Paragraph 3 specifies that the detailed rules for relaxing checks and the criteria for prioritisation are in Annex V. As in the current legislation, entry checks take priority over exit checks.

#### Article 8

This new Article introduces horizontal provisions on the installation of separate lanes at border crossing-points and the minimum indications to be given on signs. The provision of separate control lanes in order to distinguish between the channels intended for persons enjoying the Community right to free movement and those intended for third-country nationals is currently required, by Decision SCH/Com-ex (94)17 rev 4,<sup>32</sup> only in the case of international airports. That Decision provides for uniform minimum markings to distinguish between EU and non-EU nationals. As regards maritime borders, and more specifically checks on passengers on board ferries, the current Part II, point 3.4.4.5 of the Manual stipulates that "where possible, the necessary construction work should be undertaken" to ensure that a distinction is drawn between the controls carried out on EU/EEA nationals and those carried out

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<sup>32</sup> OJ L 239, 22.09.2000, p. 168.

on third-country nationals. The rules, as they currently stand, are silent as regards the installation of separate lanes at land borders.

This new Article is therefore based on the existing provisions but also takes account of discussions initiated in the course of 2003 within the Working Party on Frontiers, and in particular the proposal for a Council Decision determining the minimum indications to be used on signs at border posts<sup>33</sup> and the Council conclusions on the introduction of separate lanes at the external border crossing-points.<sup>34</sup>

The obligation to establish separate lanes in international airports is maintained. But the installation of separate lanes at Member States' maritime and land crossing-points remains optional. Specific provisions on the organisation of lanes at land borders are in Annex X (see commentary below).

As regards the minimum indications to be used on signs, the content of the above proposal for a decision has been incorporated in order to take account of the need to include Swiss nationals and members of their families among those enjoying the Community right to free movement, following the entry into force on 1 June 2002 of the Agreement on the free movement of persons concluded with Switzerland. Persons enjoying the Community right to free movement may also use the other lanes, which are no longer marked "NON EU/EEA" but "ALL PASSPORTS". The models for these signs are set out in Annex VI.

Member States must have adapted all signs at border crossing-points by 31 May 2009; however, where they replace existing signs or put up new ones before that date, the minimum indications stipulated here must be respected. This has also been taken from the abovementioned proposal.

At borders between Member States that have not yet abolished controls at their common borders owing to the two-stage application of the Schengen acquis, the application of this Article remains optional. This is to avoid requiring Member States to undertake excessive investments at borders which, by their nature, will only temporarily serve as external borders.

#### Article 9

The stamping of travel documents is currently governed by point 2.1 of Part II of the Common Manual. In conformity with the proposal on stamping mentioned above, the obligation to stamp travel documents "systematically" on entry is now provided for (paragraph 1).

Paragraph 2 provides for exceptions from the principle of stamping the travel documents of third-country nationals: apart from taking over the exceptions in points 2.1.1, 2.1.5 and 2.1.6 of Part II of the Manual, it also provides for an exemption from stamping for people who come under the regime of local border traffic for the sake of consistency with the proposals on the regime of local border traffic and stamping mentioned above.

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<sup>33</sup> Council document 16184/03 FRONT 186 COMIX 769.

<sup>34</sup> Council document 8498/03.

Regarding exit stamps, paragraph 3 provides that they must be affixed systematically to documents bearing a multiple-entry visa with an aggregate limit on the duration of stays.

And paragraph 4 refers to Annex VII for the practical rules governing stamping. The procedures for stamping documents and the shape and characteristics of the stamp have not been changed; provisions have nevertheless been added that reflect the conclusions of the Justice and Home Affairs Council of 5 and 6 June 2003 regarding special security features of uniform entry and exit stamps (Council document 9390/03 FRONT 60 COMIX 308). These provisions stipulate among other things that the security codes must be changed frequently and that the same security code must not be valid for more than one month. A system for exchanging information on the security codes used on stamps and on lost and stolen stamps is also set up; the information is to be exchanged inter alia via the national contact points responsible for exchanging information on the security codes of the entry and exit stamps used at border crossing-points (listed in Council document 7221/03 FRONT 23 COMIX 147 (EU RESTRICTED)).

#### Article 10

This Article, relating to surveillance between crossing-points, takes over Article 6(3) of the Schengen Convention and point 2.2 of Part II of the Common Manual. Detailed rules governing border surveillance are to be adopted by the committee procedure provided for by Article 30 of this Regulation.

#### Article 11

Paragraph 1 takes over Article 5(2) of the Schengen Convention relating to refusals to allow entry for third-country nationals who do not fulfil all the entry conditions laid down in Article 6 of this Regulation, including the fact that a Member State may in exceptional circumstances allow entry on humanitarian grounds, on grounds of national interest or because of international obligations.

Paragraph 2 refers to cases where a person without a visa – and therefore who does not fulfil all the entry conditions – who fulfils the conditions laid down in Article 1(2) of Regulation (EC) No 415/2003 may have a visa issued at the border. This concerns people who have not been able to apply for a visa in advance for unforeseeable reasons but who fulfil all the other conditions for entry and whose return to the country of origin or transit is assured. Points 5 and 5.1 of Part II of the Manual have been replaced, following the entry into force of Regulation (EC) No 415/2003, by a reference to the Regulation itself.

Paragraph 3 takes over points 1.4.1 and 1.4.2 of Part II of the Common Manual. There is also a reference to the standard form in Annex VIII, Part B, for the third-country national to acknowledge receipt of the refusal decision. The same Annex (Part A) sets out detailed rules governing refusals.

Paragraph 4 determines the obligation for border guards to ensure that a third-country national refused entry does not enter the territory of the Member State concerned.

#### Article 12

This Article takes over Article 6(4) and (5) of the Schengen Convention, requiring Member States to “deploy appropriate staff ... in sufficient numbers” but adds the idea that “resources” must also be appropriate to carry out a high degree of controls at the external borders.

#### Article 13

Article 13(1) is taken over from points 1.1.1 and 1.1.2 of Part II of the Common Manual; it merely requires border checks for the purposes of this Regulation to be carried out by the services of the Member States responsible for border guard duties in accordance with national law, border guards being vested with the powers of border police and the powers to instigate criminal proceedings.

Paragraph 2 provides that the list of national services responsible for border guard duties under the national law of each Member State is given in Annex IX to the Regulation, rather than in the Regulation itself, as in the Common Manual.

Paragraph 3 is a new provision requiring the Member States – where several services are responsible for border-guard duties under national legislation – to ensure the coordination and cooperation between all such services which is necessary for effective border checks.

#### Article 14

This Article replaces Article 7 of the Schengen Convention and points 4, 4.1 and 4.2 of Part II of the Common Manual, relating to cooperation between Member States for the effective implementation of border checks. Instead of taking over existing provisions, it refers to the future European Agency for the Management of Operational Cooperation at the External Borders, which will handle tasks of operational cooperation between Member States, including the exchange of information; harmonisation of instructions and the common component of the training of border guards; coordination of joint operations between Member States; common risk assessment; and the management of common technical equipment.

#### Article 15

This is a new Article inspired by current practice and the conclusions of the JHA Council of 27 and 28 November 2003,<sup>35</sup> concerning the adoption of flexible land border control measures in the run-up to enlargement of the Union.

Given the two-stage procedure for implementing Schengen (see point 6), the new Member States will not be fully applying the Schengen acquis immediately from accession, and checks on persons at common borders between the existing and the new Member States and between the new Member States themselves will continue to operate place until the Schengen acquis is fully applied by the new Member States. The rules applicable at these borders – which can be regarded as “temporary external borders” – will be the same as those that apply at Schengen external borders.

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<sup>35</sup> Council document 15013/03 FRONT 164 COMIX 704, 19.11.2003.

Paragraph 1 therefore provides that the Member States that do not apply Article 18 and have not yet, therefore, abolished checks at their common land borders may, up to the date of application of this Article, jointly control those common borders, subject to respect for the principles and criteria established by this Regulation for external border checks. Member States may conclude bilateral arrangements between themselves to govern their joint controls, but they must inform the Commission.

#### Chapter 4 – Special detailed rules for border checks and specific procedures

##### Article 16

This Article refers to Annex X as regards special detailed rules for different types of border (land, air and maritime and the different means of transport used for crossing the Member States' external borders. Detailed commentary on the main changes made in relation to existing provisions:

##### *Land borders*

Point 1.1 deals with checks on road traffic and incorporates Part II, point 3.1 of the Common Manual. This is supplemented with provisions on the possibility of installing separate control lanes at land border crossing-points, which take account of the Council conclusions of 8 May 2003 (see also the comments on the relevant horizontal provisions).

The installation of separate control lanes is not made compulsory at land border crossing-points; it is an option left open to the Member States if they deem it appropriate and if circumstances – in particular local traffic conditions – allow. Separate lanes may furthermore be dispensed with at any time by the Member States' competent authorities in “exceptional circumstances” and “where traffic and infrastructure conditions so require” (also taken from the abovementioned Council conclusions).

Nevertheless, where a Member State decides to use separate lanes at land border crossing-points, the uniform minimum markings specified in Article 8 must be used on signs.

Member States may also provide separate lanes for those eligible for a local border traffic regime. This is in line with the abovementioned proposals for Regulations on local border traffic.

Point 1.2 covers rail traffic and incorporates Part II, point 3.2, of the Manual. This part has not undergone substantial amendment, only formal and drafting changes designed to make it clearer.

##### *Air borders*

Point 2 of Annex X incorporates Part II, points 3.3, 3.3.1 to 3.3.7 of the Manual (except the obsolete or redundant provisions, such as the reproduction of Article 4 of the Schengen Convention or the examples), certain parts of Decision SCH/Com-ex (94)17 rev 4 and the guidelines on improving the effectiveness of checks carried out



on international civil aviation (passengers on private flights) adopted by the Working Party on Frontiers on 5 June 2003.<sup>36</sup>

Point 2.1 of this section sets out the procedures for checking passengers at international airports.

In order to be able to distinguish between passengers from internal flights, who are not subject to checks, and passengers from all other flights, who must be checked, measures must be taken to physically separate the inflows of passengers. To that end, the Member States' competent authorities are required to put the appropriate infrastructures in place in cooperation with the airport operator. In practice, this could be done for example by partitioning the checking areas or handling the traffic in separate terminals.

The place where persons and hand baggage are checked is then determined, in particular for transfer flights.

It is also stipulated that checks on passengers are normally made outside the aircraft; to that end, Member States must take the appropriate measures, in agreement and in cooperation with the airport authorities and the carriers, to ensure that passenger traffic is channelled to facilities reserved for checks. Specific rules concerning checks on aircrews are laid down in Annex XI.

Lastly, where an aircraft on an international flight (or a foreign aircraft) is forced to land on an unauthorised landing ground because of force majeure or imminent danger or on the instruction of the authorities, it may continue its flight only after authorisation from the authorities responsible for border checks. Under no circumstances may any exception be made to the relevant rules on passenger checks.

Point 2.2 lays down the specific procedures for checks in airports that do not have the status of international airport (aerodromes). Given the more limited traffic in airports of this type than in the international airports, it is not usually necessary to make appropriate arrangements in order to physically separate passengers or to ensure that border guards are present at all times. This is without prejudice to Regulation (EC) No 2320/2002 establishing common rules in the field of civil aviation security, and in particular to the obligation for Member States to inspect/filter passengers to prevent prohibited articles being brought into security restricted areas into which access is controlled or on board aircraft. It must also be guaranteed that, if need be, the necessary personnel for checks can be deployed in good time. To that end, the director of the aerodrome must give adequate notice to the competent authorities of the arrival and departure of internationally routed aircraft.

Point 2.3 groups together points 3.3.5 and 3.3.7 of the Manual concerning private flights (including gliders, micro-light aircraft, etc.), having due regard to the abovementioned guidelines on improving the effectiveness of checks carried out on international civil aviation adopted by the Working Party on Frontiers.

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<sup>36</sup> Council document 8782/1/03 REV 1.

In comparison with the existing provisions, this chapter introduces the obligation on the captain to transmit to the border authorities of the Member State of destination and arrival, prior to take-off, a general declaration comprising a flight plan (in line with Annex 2 to the Convention on International Civil Aviation) and information on the passengers' identity.

In addition, where a private flight coming from a third State and bound for a Member State makes a stop-over in the territory of another Member State, the competent authorities of the Member State of entry must always carry out a check and affix an entry stamp to the abovementioned general declaration, so that the Member State of destination is aware that an entry check has already been made.

In any event, where there is uncertainty as to the origin or destination of a private aircraft – and therefore as to whether it is an internal flight – a check must always be carried out on the persons concerned. This applies both to international airports and to aerodromes.

Lastly, it is stipulated that the arrangements governing gliders, micro-light aircraft, helicopters and the like are laid down by national law and, where applicable, by bilateral agreements.

### Sea borders

This section, and more specifically the chapter dealing with checks on maritime traffic (Chapter 3.1), has been thoroughly overhauled in the light of the difficulties that have arisen in applying the existing provisions of the Manual, in particular during the Schengen evaluations. Account has also been taken of the points raised by the feasibility study on checks at the maritime borders of the European Union carried out by the consultant Civipol Conseils, which reported its findings in July 2003. The provisions of this section furthermore incorporate the content of the programme of measures to combat illegal immigration across the maritime borders of the Member States of the European Union adopted by the Council on 27 November 2003<sup>37</sup> and reflect the discussions held on this part of the text at an informal meeting of national experts held on 4 December 2003.

Point 3.1 incorporates the whole of the current Part II, point 3.4 of the Common Manual, devoted to checks on maritime traffic.

It was not felt necessary to reproduce some of the definitions given in the current point 3.4.1 (for example, “maritime traffic”, “passenger”, “crew”). The other definitions – “regular ferry connection”, “cruise vessel”, “pleasure vessel” and “coastal fishing” – are taken over from Article 2.

The new point 3.2 of Annex IX groups together the specific procedures for certain types of shipping set out under point 3.4.4 of the Manual. Given the definition of internal and external maritime borders (see Article 2 of this Regulation), ports are as a rule always treated as external borders; any vessel must therefore be checked on each entry and exit, since it is impossible to ascertain what happens outside port, whether in territorial or in international waters (embarkation/disembarkation of

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<sup>37</sup> Council document 15445/03 FRONT 172 COMIX 731.

persons or goods). Nevertheless, in view of the nature of certain types of shipping, the principle of systematic checks may be waived.

Point 3.4.4.1 of the Common Manual has not been included in this part since, as it deals with ferry services between two Schengen ports, it involves the crossing of internal and not external borders.

Points 3.2.1 to 3.2.3 deal with the movements of cruise ships. They correspond to the current point 3.4.4.2, which has been supplemented in order to incorporate the policy lines determined by the programme of measures to combat illegal immigration across maritime borders and the recommendations on cruise ships included in the Schengen catalogue. Checks on cruise ship passengers are normally carried out only at the first and last port situated within Schengen territory, but they may nevertheless be made at other ports during the cruise, according to the assessment of the risks of illegal immigration. The treatment to be given to persons who must be refused entry to the territory is also stipulated.

Points 3.2.4 to 3.2.7 correspond to point 3.4.4.3 relating to pleasure shipping. They also include new provisions based on the recommendations set out in the abovementioned programme of measures and the Schengen catalogue. Pleasure boats are required to dock in an authorised port of entry, and the authorities responsible for checks must be informed if this rule is departed from in exceptional circumstances or cases of force majeure. A document containing all the technical characteristics of the vessel and the names of the persons on board must be handed over to the authorities. Allowance is made for persons making daytime pleasure boat excursions who are known to the authorities, subject to the assessment of the risks of illegal immigration.

Points 3.2.8 and 3.2.9 deal with coastal fisheries (currently point 3.4.4.4 of the Common Manual) and incorporate similar amendments to the preceding points. Checks on coastal fisheries vessels that return to port every day or nearly every day are not to be carried out systematically, subject to the assessment of the risks of illegal immigration. The ship's captain is required to notify the authorities of any changes in his crew and of the presence of any passengers.

Point 3.2.10 takes over almost word-for-word point 3.4.4.5 of the Common Manual concerning ferry services subject to controls.

Point 3.3, which relates to inland waterways shipping and corresponds to Part II, point 3.5 of the Manual, has not been amended. In practice, the same rules on checks at maritime borders apply *mutatis mutandis* to this type of shipping.

#### Article 17

This Article provides for the possibility of establishing specific procedures for checking certain categories of persons, including aircrew, seamen, holders of diplomatic, official or service passports members of international organisations, border workers and minors. These specific procedures are described in Annex XI. This Annex takes over some of the provisions of Part II, point 6 of the Manual, excluding points 6.1 (EU citizens and members of their family), 6.2 (third-country nationals holding a residence permit issued by another Member State), 6.3 (refugees and stateless persons), 6.9 (group trips) and 6.10 (application for asylum at the border).

Point 6.1 has not been incorporated because, as already explained, the rules on entry and residence applicable to citizens of the Union and, in general, persons enjoying the Community right to free movement are already laid down in the relevant provisions of Community law. There is therefore no need to reproduce here provisions that are already contained in other Community instruments; in any event, Article 4 of the Regulation clearly stipulates that the rights of persons enjoying the Community right to free movement are not affected by the provisions of this Regulation.

Point 6.2 has already been incorporated in Article 6(4) of the Regulation.

Point 6.3 has not been included since, in the first place, recognition of the travel documents of third-country nationals, including refugees and stateless persons, has not been harmonised and is therefore the responsibility of each of the Member States, which currently confine themselves to notifying the Council General Secretariat of their decisions in this area<sup>38</sup> (and this part is in any case not even up to date). Secondly, the visa requirements for these categories of persons are already laid down in Article 3 of Regulation (EC) No 539/2001 and there is therefore no need to insert specific provisions here. Thirdly, the second paragraph of Part II, point 6.3.2 of the Manual (“Holders of a travel document for stateless persons shall be subject to the requirement for an entry visa unless they hold a residence permit issued by one of the [Schengen States]”) is even in contradiction with Regulation (EC) No 539/2001, since the latter allows exemption from the visa requirement for holders of a travel document for stateless persons issued by a third country exempted from the visa requirement in whose territory they lawfully reside (second indent of Article 3 of that Regulation).

Point 6.9, concerning the possibility of relaxing controls on group trip participants (and particularly for coaches conveying groups of pilgrims or for school trips), has not been taken over since it is in contradiction with the general system of control and especially with the obligation systematically to stamp travel documents on entry to the Schengen area.

Lastly, point 6.10, which merely provides that, if an alien requests asylum at the border, the national laws of the Member State concerned apply until it is determined who has responsibility for dealing with the application for asylum, is superfluous and has not been incorporated either. Article 3 of the Regulation furthermore already refers to the obligations of the Member States with regard to asylum and international protection.

The parts which have on the contrary been included are: point 6.4 of the Manual, concerning pilots of aircraft and other crew members (point 1 of this Annex); the current point 6.5, on seamen (point 2); the current points 6.6 and 6.11, concerning holders of diplomatic, official or service passports and members of international organisations (point 3); the current point 6.7, on cross-border workers (point 4); and point 6.8, on minors (point 5).

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<sup>38</sup> See the Table of travel documents entitling the holder to cross the external borders and to which a visa may be affixed (Decisions of the Executive Committee SCH/Com-ex (98)56 of 16 December 1998 and SCH/Com-ex (99)14 of 28 April 1999, *ibid.*).

### *Pilots of aircraft*

Point 1, concerning aircraft pilots and crew members, has not been substantively amended in comparison with point 6.4 of the Manual, which lays down specific arrangements - based on Annex 9 to the Civil Aviation Convention of 7 December 1944, in particular points 3.74 and 3.75 thereof - for the holders of a pilot's licence or a crew member certificate. This part has nevertheless been reworded in order to spell out very clearly the rights of this category of persons, and in particular their right, in the course of their duties and on the basis of their pilot's licence or crew member certificate – and therefore without having to hold a passport and a visa – to enter the territory of the municipality of the airport and to go to any airport situated in the territory of a Member State.

### *Seamen*

On the other hand, point 2, on seamen, has been substantially amended in comparison with the current point 6.5 of the Manual in order to clarify the meaning and scope of the provisions and update them in line with developments at international level (in particular the new Geneva Convention – No 185 – signed on 19 June 2003).

The new text provides that seamen holding a seafarer's identity document – the reference to the seaman's book has been deleted since it constitutes neither an identity nor a travel document – issued in accordance with the 1965 London Convention (FAL) and Geneva Convention No 185 may go ashore to stay in the area of the port where their ship calls or in the adjacent municipalities, without presenting themselves at a border crossing-point. This is subject to the condition that they appear on the crew list, previously submitted for checking, of the ship they belong to. To this has been added the obligation to carry out a visual (face-to-face) check on the seaman, before he goes ashore, where the assessment of the migration and security risks so requires. On the other hand, the obligation to hold a visa has been deleted since this is already governed by Article 4(1)(b) and (c) of Regulation (EC) No 539/2001 (and the different language versions of the Manual furthermore diverge on this point: some versions require the seaman to hold a visa in all cases, others “where appropriate”).

The obligation to fulfil all the conditions for entry as laid down in Article 5 of the Regulation is maintained for seamen intending to stay outside the municipalities situated in the vicinity of ports. Exceptions to this principle, and in particular to the obligation to hold a visa and have sufficient means of subsistence, are nevertheless possible in specific cases. Seamen without a visa can be issued with one at the border pursuant to Regulation (EC) No 415/2003, which, in addition to stipulating the cases and conditions in which visas may be issued at the border (in general), contains specific provisions on the issue of visas of this type to seamen in transit.

Border guards must in any event check that the seamen in question fulfil the other conditions for entry laid down in Article 5, i.e. that they hold a valid travel document, that they have not been the subject of an alert in the SIS for the purposes of being refused entry, and that they do not constitute a threat to the public policy, internal security or public health of the Member States. Border guards must also check, if necessary and where applicable, certain additional items such as a written

declaration by the shipowner or shipowner's agent concerned, a written declaration by the appropriate diplomatic or consular authorities, proof obtained as a result of specific verification by the police authorities or, where appropriate, by other competent administrations.

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

Point 3 covers both the existing point on holders of diplomatic, official or service passports and the point setting out the arrangements for holders of documents issued by certain international organisations, since the two categories are subject to similar rules (where differences existed, they have been maintained). The documents issued by international organisations for the purposes of this chapter comprise: the laissez-passer issued by the United Nations (and subordinate agencies), the European Community and Euratom; the legitimacy certificate issued by the Secretary-General of the Council of Europe; and documents issued by a NATO headquarters (namely a military ID card accompanied by a travel order, a travel warrant or an individual or group service order).

In view of the privileges and immunities they enjoy, these categories of persons may be granted favourable treatment by being given priority over other travellers at border checks; neither are they, as a general rule, required to prove that they have adequate means of subsistence. Their status does not, however, automatically exempt them from the visa requirement: the visa exemption for holders of diplomatic, official or service passports remains an option for the Member States, pursuant to Article 4(1)(a) of Regulation (EC) No 539/2001.

It is also stipulated that holders of diplomatic, official or service passports may under no circumstances be refused entry to the territory without the border guard first informing the competent national authorities, even where an alert has been entered in the SIS for the person concerned.

Reference is made in Article 17(2) to the cards issued by the Ministry of Foreign Affairs to accredited members of diplomatic missions and of consular representations and their families, specimens of which are shown in Annex XII (currently Annex 13 to the Manual). These cards, which are equivalent to a residence permit, enable the holders – if accompanied by a valid travel document – to cross Member States' borders without having to apply for a visa.

When carrying out checks, border guards may of course require the person concerned to provide proof of his diplomatic status or at least of his entitlement to privileges, immunities or exemptions; in case of doubt, further checks may also be made with the relevant Ministry of Foreign Affairs.

*Cross-border workers*

Point 4 adds to the existing text, which referred to the possibility of carrying out only spot checks on cross-border workers, the principle that cross-border workers should automatically qualify for any practical simplifications introduced under a regime for local border traffic, in particular the right to cross the border at specific crossing-points or through reserved lanes, and the exemption from the obligation to have their travel document stamped. This is prompted by the fact that cross-border

workers cannot be covered by the proposals for local border traffic, which relate only to short stays.

### *Minors*

Point 5, on minors (currently point 6.8), provides first of all that this category must be subject to the same entry and exit checks as adults. The existing provisions have been strengthened on the basis of the initiative presented by the Italian Presidency on 2 October 2003 (Council document 13124/03 FRONT 133 COMIX 588). In the case of accompanied minors, the obligation has been added for the border guards to carry out extra checks (separate interviews with the minor, if necessary) where there are serious grounds for suspecting that the minor has been unlawfully removed from the custody of the person legally exercising parental care over him.

As far as unaccompanied minors are concerned, border guards must also take special care, when carrying out exit checks in particular, to ensure - by means of thorough checks on travel documents and supporting documents concerning the reasons for and details of the journey - that they do not leave the territory without the authorisation of the person(s) having parental care over them.

## Title III – Internal borders

### Article 18

Article 18(1) confirms the principle that border checks on persons, irrespective of their nationality, are abolished at internal borders in accordance with the Schengen acquis (Article 2(1) of the Convention) and with the objective set by Article 14 of the EC Treaty. It follows that crossing an internal border should not be the occasion for checks or formalities and that as a rule anybody is free to cross internal borders at any point. All routine and random checks on people crossing internal borders are incompatible with the idea of the area without frontiers and are therefore prohibited (without prejudice to Articles 20 to 24 of this Regulation). Crossing the internal border between two Member States applying the Schengen acquis should be treated no differently from moving between regions, provinces or other administrative subdivisions of a Member State.

### Article 19

Article 19 takes over and amplifies Article 2(3) of the Schengen Convention.

Point a) provides that checks on persons in the discharge of general police powers are allowed throughout the territory. It follows that checks on this basis in border areas are not incompatible with the right to cross internal borders without being checked, provided they are carried out in accordance with the same frequency and intensity as checks in the territory generally. A Member State cannot, therefore, lay down provisions applicable solely in the internal border area, determining for instance a perimeter zone for identity checks on a random or visual basis not carried out elsewhere in the country. Even reduced checks in a border-crossing area or nearby areas are unacceptable. The purpose of the checks is the decisive factor.

Point (b) allows security checks carried out at ports and airports by the competent authorities, by port or airport officials or carriers on persons at or prior to

embarkation on aircraft or ships. Such checks are to ensure that passengers are not carrying weapons or dangerous articles or substances. They can also serve to verify the traveller's identity if he has a ticket issued to a named person. They may also be useful where public order or the safety of passengers might be threatened if known trouble-makers embark.

Points c) and d) provide that the Regulation does not affect the obligation to hold or carry documents if this is provided for in the national legislation of a Member State, nor the obligation on third-country nationals to report their presence on the territory of any Member State pursuant to national legislation in accordance with Community law (particularly Article 22 of the Schengen Convention relating to the report on entry).

#### Article 20

The abolition of checks on persons at internal borders should not jeopardise security in the frontier-free area. Flanking measures have been introduced to preserve a high level of security.

But there can be exceptional risk situations to which these instruments do not offer an adequate response, in which it might be necessary to reintroduce checks on persons at internal borders. This Article, inspired by Article 2(2) of the Schengen Convention, determines the conditions in which a Member State may reintroduce checks and the procedure to be followed.

As currently provided by the Schengen Convention, a Member State may reintroduce border checks at its internal borders in the event of a serious threat to public policy, public health or internal security. Public health has been added since it is also among the conditions for entry in Article 5 (see commentary on that Article). This proposal provides that there must be a serious threat to public policy, public health or internal security. This makes clear that the safeguard clause is a purely exceptional measure.

Since it is an exceptional measure, the reintroduction of checks at internal borders can only be for a limited period of no more than 30 days. This maximum period is further limited by paragraph 1, which reflects the principle of proportionality by providing that the scope and duration of the checks may not exceed what is strictly necessary to respond to the serious threat. Experience has shown that since Schengen came into operation the period during which checks were reintroduced has not usually been as long as 30 days, so the limit appears justified in practice.

But it is quite possible, of course, that a serious threat might last more than 30 days. In that case, checks can be maintained for a fresh, renewable, period of 30 days (paragraph 2). The procedure for prolonging them is determined by Article 23.

#### Article 21

The procedure for reintroducing checks at internal borders provided for by the Schengen Convention must be adapted to make it fully compatible with the Union institutional set-up since, when the Schengen acquis was incorporated in the Union framework, the institutional elements of that acquis were not all adjusted to the Union institutional set-up. When distributing the Schengen acquis over the first and



third pillars,<sup>39</sup> the Council determined a first-pillar legal basis for the crossing of internal borders in Article 62(1) of the EC Treaty.

It follows that the Commission, as guardian of the Treaties, must be explicitly involved in the process of temporary reintroduction of checks at internal borders.

The applicant Member State must specify the reasons for the proposed decision, detailing the events that constitute a serious threat to public policy, internal security or public health and, where appropriate, the measures it wishes other Member States to introduce once it has taken the decision to reintroduce checks so that the other Member States can immediately prepare for the measure. The decision of the Schengen Executive Committee of 20 December 1995 (SCH/Com-ex (95) 20, rev.2) already provided for the notification of this information.

The Commission and the other Member States will be consulted on this information in the Council to improve concerted action and trigger the arrangements for mutual cooperation between Member States if need be (such as prohibiting repeat offenders from leaving the territory or enhancing police cooperation). There is also an opportunity to consider what further measures might be taken and in any event to limit the borders at which checks are carried out. The consultation can be used to review proportionality in relation to the event giving rise to the reintroduction of checks at internal borders and the inherent risks. And police and liaison officers can be sent during or after the events that are such as to seriously threaten public order and information can be exchanged so as to target checks properly. Account must be taken here of the Council Resolution on security at European Council meetings and other comparable events (Council document 13915/03 ENFOPOL 92 COMIX 642, 4.11.2003), which highlights the need to involve intelligence services so as to target measures on individuals in respect of whom there are substantial grounds for believing that they intend to enter the Member State with the aim of disrupting public order and security at the event or committing offences relating to the event. The opportunity can also be taken to take stock of experience and see what works and what needs improving.

In view of the above-mentioned consultation and on the basis of the information provided, the Commission will issue an opinion, particularly in order to review proportionality in relation to the event giving rise to the reintroduction of checks at internal borders and the inherent risks.

The consultation shall be compulsory and shall take place at least 15 days before the date of reintroduction of border controls, except in urgent cases where public policy, public health or internal security require an immediate reaction (see Article 22).

#### Article 22

This Article governs the emergency procedure, when the standard procedure of Article 21 is not appropriate and a simple notification to the Commission and the Member States that checks at internal borders are being reintroduced is provided for, subject to information being provided on the reasons that justify recourse to the emergency procedure.

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<sup>39</sup> Council Decision 1999/436/CE, *supra*.

### Article 23

To prolong the exceptional reintroduction of checks at internal borders where the serious threat persists beyond 30 days, the Commission and the other Member States must be consulted. The Commission will issue an opinion on the prolongation.

### Article 24

This Article provides for the common activation of the safeguard clause in the event of an exceptionally serious threat to public policy, internal security or public health affecting several Member States, for example in the event of a cross-border terrorist threat. The definition of “a cross-border terrorist threat” was agreed on in the Article 36 Committee on 23 November 2001 (Council document 14181/1/01, 30 November 2001, ENFOPOL 134 REV 1) as follows:

- a) an imminent threat of or the simultaneous or synchronised carrying out of several terrorist attacks in several Member States;
- b) a terrorist attack of exceptional gravity where there are serious grounds for believing that the perpetrators or accomplices might travel to other Member States;
- c) an imminent threat of a terrorist attack of exceptional gravity in one or more Member States where there are serious grounds for believing that the perpetrators or accomplices might come from other Member States.

This measure is justified by the by the fact that the threat is a cross-border one or that one or more Member States are asking for support for their efforts to face up to an exceptional security risk.

In such a situation, the Council can decide that all Member States are to reintroduce checks immediately at all internal borders or at particular borders of all or several Member States, for example at internal air traffic. The Council will decide to lift these exceptional measures as soon as the exceptionally serious threat has ceased to exist. The European Parliament must be informed of the exceptional measures without delay.

This Article not affect any immediate and concomitant decision taken by a Member State to reintroduce checks at internal borders in an emergency under Article 22.

### Article 25

This Article provides that where checks at internal borders are reintroduced, the relevant provisions of Title II of this Regulation apply.

### Article 26

As currently provided in the Schengen acquis, the relevant Member State must report on the application of its decision on the reintroduction of checks at internal borders. Given the Union institutional framework, the report must now also go to the Commission and Parliament.

#### Article 27

This Article provides for an obligation to inform the public in an appropriate manner about the reintroduction of checks, unless the information needs to be kept confidential for security and public policy reasons.

#### Article 28

This Article allows information supplied in connection with the reintroduction and prolongation of checks to be kept confidential to avoid jeopardising the security of a Member State facing a serious threat to public policy, internal security or public health.

#### Title IV – Final provisions

#### Article 29

This Article provides that Annexes I to XII to this Regulation are to be amended in accordance with the committee procedure referred to in Article 30. The reason for proposing the use of a committee procedure is that the Annexes contain measures implementing the general rules on checks at internal borders laid down by Title II of this Regulation.

#### Article 30

This is a standard Article on committee procedures to be followed for the adoption of measures implementing the Regulation in accordance with Decision 1999/468/EC. The regulatory procedure is provided for as measures of general scope within the meaning of Article 2 of the Decision are involved; Articles 5 and 7 of the Decision apply.

The time-limit under Article 5(6) of Decision 1999/468/EC for the Council to give its qualified-majority decision on the Commission's proposal for measures to be adopted where they are not in conformity with the Committee's opinion is set at two months.

#### Article 31

This Article determines the territorial scope of the Regulation. As provided by Article 138 of the Schengen Convention, which determines the scope of the provisions of the Convention, paragraph 1 provides that the Regulation will not apply to the non-European territories of the French Republic and the Kingdom of the Netherlands.

Paragraph 2 provides that the provisions of this Regulation shall not adversely affect the special rules applying to the cities of Ceuta and Melilla, as defined in the Final Act of the Agreement on the Accession of the Kingdom of Spain to the Schengen Convention.

#### Article 32

For the sake of transparency and clarity in the law, the Member States are required to notify their national provisions enacted under Article 17(c) and (d). They will be

published in the Official Journal of the European Union (C Series) to ensure publicity.

#### Article 33

This Article provides for a report on the application of Title III (Internal borders) to be produced no later than three years following entry into force. In this report the Commission is to pay particular attention to any difficulties arising from the reintroduction of checks at internal borders and, where appropriate, present proposals aimed at resolving such difficulties.

#### Article 34

Paragraphs 1 and 2 specify what provisions are repealed and replaced by this Regulation:

- Articles 2 to 8 of the Convention, relating to the crossing of internal borders (Article 2) and external borders (Articles 3 to 8);
- the Common Manual, and the Annexes to it;
- certain decisions of the Schengen Executive Committee: Decision SCH/Com-ex (94)17, rev.4, introducing and applying the Schengen arrangements in airports and aerodromes; and Decision SCH/Com-ex(95)20, rev.2, on the procedure for applying Article 2(2) of the Convention implementing the Schengen Agreement;
- Annex 7 to the Common Consular Instructions, relating to the reference amounts determined each year by the national authorities for the purposes of crossing borders, already incorporated in Annex III to this Regulation;
- Regulation (EC) No 790/2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance, since the procedure provided for by Article 30 for the amendment of the Annexes to this Regulation replace the procedures provided for by Articles 1 and 2 of that Regulation.

Paragraph 3 refers to the concordance table in Annex XIII, which specifies the provisions of this Regulation that replace the provisions of the Convention, the Common Manual and other Schengen decisions that are replaced so that every reference to the old provisions can be read properly under the new Regulation.

#### Article 35

This is the standard clause on entry into force and direct applicability.

The application of the Regulation is deferred for six months following entry into force, given the scale of the exercise and the need to brief border guards properly and possibly prepare a practical guide.

**ANNEX**  
**Provisions of the Common Manual not taken over**

<b>Provisions of the Common Manual not taken over</b>	<b>Ground(s)</b>
<p><b>Point 1.1 of part I</b> Consequences of authorisation to enter</p>	<p>This paragraph merely reproduces the provisions of Articles 20 and 21 of the Schengen Convention (SC). Unrelated to the conditions for entry and border crossing.</p>
<p><b>Point 3 of Part I (including 3.1, 3.2 and 3.3)</b> Visas needed for entry of foreign nationals into Member States' territory</p>	<p>This part merely reproduces provisions of SC (Arts. 10-11 and 18) and the Common Consular Instructions – CCI (see: part I; point 3 of part V; part VI; Annexes 1, 8, 9, 10, 13) and is redundant.</p>
<p><b>Point 4.2 of part I</b> Conditions relating to security</p>	<p>Repeats Article 96 SC</p>
<p><b>Point 1.3.4 of part II</b> Right of Union citizens (and others enjoying the Community right of free movement) to waiver of thorough checks apart from exceptional cases</p>	<p>Right already conferred by instruments of Community law relating to free movement for Union citizens and members of their families (in particular Directive 2004/38/EC, taking over the entire Community acquis in this respect). On the basis of Article 3 of this Regulation, the rights of persons enjoying the Community right of free movement will not be affected. There is therefore no longer any need for this provision.</p>
<p><b>Point 1.4.7</b> Specific arrangements relating to refusals of entry in relation to Union citizens and others enjoying the Community right of free movement</p>	<p>See commentary on point 1.3.4, Part II, above.</p>
<p><b>Points 3.4.1.1, 3.4.1.2 and 3.4.1.3</b> Definitions of “maritime traffic”, “passenger” and “crew”</p>	<p>Considered superfluous.</p>

<p><b>Points 5.3 to 5.5 of Part II*</b></p> <p>Characteristics of visas issued at the border</p>	<p>Superfluous provisions:</p> <ul style="list-style-type: none"> <li>- Annex 14 has been repealed (point 5.3);</li> <li>- the charges for this type of visa (point 5.4) and prior consultation (point 5.5.) are governed by the relevant provisions of the CCI.</li> </ul>
<p><b>Point 6.1 of part II</b></p> <p>Rules for Union citizens and other persons enjoying rights under Community law</p>	<p>See commentary on point 1.3.4, Part II, above.</p>
<p><b>Point 6.3 of part II</b> – Refugees and stateless persons</p>	<p>The visa rules for these categories are governed by Regulation No 539/2001.</p> <p>The recognition of travel documents has not been harmonised. This part is redundant.</p>
<p><b>Point 6.9 of part II</b> – Group travel (checks relaxed in certain cases)</p>	<p>This provision contradicts the general provisions on checks, and in particular the obligation to stamp them on entry (Article 9).</p>
<p><b>Point 6.10</b> – Foreign nationals applying for asylum at the border</p>	<p>Superfluous.</p>
<p><b>Annexes 4, 5, 5a, 6, 6a, 6b, 6c, 8, 8a, 11, 14a, 14b</b></p>	<p>Identical to corresponding annexes (or parts) of CCI</p>
<p><b>Annexes 7 and 9 – Model visa stickers</b></p>	<p>No mandatory status</p>
<p><b>Annex 12 – Model loose sheets (<i>bearing a visa</i>)</b></p>	<p>Obsolete (replaced by Regulation (EC) No 333/2002).</p>

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\* Points 5 and 5.1 of Part II were repealed by Regulation No 415/2003 and replaced by a reference to the Regulation itself; points 5.2 and 5.6 are taken over in Article 11 and Annex VIII to this Regulation.

Proposal for a

## COUNCIL REGULATION

### establishing a Community Code on the rules governing the movement of persons across borders

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 62(1) and (2)(a) thereof,

Having regard to the proposal from the Commission,<sup>1</sup>

Having regard to the Opinion of the European Parliament,<sup>2</sup>

Whereas:

- (1) Under Article 62(1) of the Treaty, the drafting of measures to ensure there are no checks on persons crossing internal borders forms part of the Union's objective of establishing an area without internal frontiers in which the free movement of persons is ensured, as set out in Article 14 of the Treaty.
- (2) In accordance with Article 61 of the Treaty, the creation of an area in which persons may move freely must be flanked by other measures. The common policy on the crossing of external borders, as provided for by Article 62(2) of the Treaty is such a measure.
- (3) The adoption of common measures on the crossing of internal borders by persons and checks at external borders must reflect the Schengen acquis incorporated in the European Union framework, and in particular the relevant provisions of the Convention implementing the Schengen Agreement of 14 June 1985<sup>3</sup> and the Common Manual.<sup>4</sup>
- (4) As regards checks at external borders, the establishment of a “common corpus” of legislation, particularly via consolidation and development of the acquis, is one of the fundamental components of the common policy on the management of the external borders, as defined in the Commission Communication of 7 May 2002 “Towards integrated management of the external borders of the Member States of the European Union”.<sup>5</sup> This objective was included in the “Plan for the management of the external borders of the Member States of the European Union”, approved by the Council on 13

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<sup>1</sup>

<sup>2</sup> OJ C , ..., p. .

<sup>3</sup> OJ L 230, 22.09.2000, p. 19.

<sup>4</sup> OJ C 313, 16.12.2002, p. 97.

<sup>5</sup> COM(2002) 233 final.

June 2002 and endorsed by the Seville European Council on 21 and 22 June 2002 and by the Thessaloniki European Council on 19 and 20 June 2003.

- (5) The definition of common rules on the movement of persons across borders neither calls into question nor affects the rights of free movement enjoyed by Union citizens and members of their families and by third-country nationals and members of their families who, under agreements between the Community and its Member States, on the one hand, and these countries, on the other, enjoy rights of free movement equivalent to those of Union citizens.
- (6) Border checks are in the interest not only of the States at whose external borders they are carried out but of all Member States which have abolished checks at their internal borders. They must help to combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, public policy, public health and international relations. The performance of border checks must be proportionate to these objectives.
- (7) Border checks comprise not only checks on persons at authorised crossing-points but also surveillance between these crossing-points. It is therefore necessary to lay down the conditions, criteria and detailed arrangements governing checks at crossing-points and surveillance.
- (8) Provision must be made for relaxing checks at external borders in the event of exceptional and unforeseen circumstances.
- (9) To reduce the waiting times of persons enjoying the Community right to free movement, who are usually subject only to an identity check, separate lanes should, where circumstances permit, be provided at external border crossing-points, identified by minimum uniform indications in all Member States. Separate lanes should be provided in international airports.
- (10) Member States must ensure that control procedures do not constitute a major barrier to trade and social and cultural interchange at external borders. To this end they should deploy appropriate numbers of staff and resources.
- (11) The Member States are to appoint the national service or services responsible for border-guard tasks in accordance with their national legislation. Where more than one service is responsible in the same Member State, there must be close and constant cooperation between them.
- (12) Operational cooperation and assistance between Member States in relation to border checks will be managed and coordinated by the “European Agency for the Management of Operational Cooperation at the External Borders of the Member States” established by Regulation (EC) No ...<sup>6</sup>.
- (13) With regard to the crossing of internal borders, checks should not be carried out or formalities imposed solely because such a border is crossed.

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<sup>6</sup> OJ L..., ..., p.



- (14) It must nevertheless be made clear that this Regulation is without prejudice to the checks carried out under general police powers and the security checks on persons identical to those carried out for national flights, to the possibilities for Member States to carry out exceptional checks on baggage in accordance with Council Regulation (EEC) No 3925/91 concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing,<sup>7</sup> and to national legislation on carrying travel or identity documents or the requirement that persons notify the authorities of their presence on the territory of the Member State in question.
- (15) A Member State should also have the possibility of temporarily reintroducing checks at its borders in the event of a serious threat to its public policy, internal security or public health. The conditions and procedures for doing so must be laid down, so as to guarantee the exceptional nature of the measure and the principle of proportionality.
- (16) In the event of an exceptionally serious threat to public policy, internal security or public health affecting one or more Member States, the Council must be in a position to decide immediately to reintroduce checks at all internal borders or at specific borders of all or several Member States. The scope and duration of the checks must be restricted to the bare minimum needed to respond to this threat.
- (17) In an area where persons may move freely, the reintroduction of checks on persons at internal borders must remain an exception and, consequently, the Member State using this measure must inform the other Member States and the Commission in detail of the reasons prompting it to introduce or extend the measure for more than 30 days, in order to engage in a debate and jointly to consider whether alternative measures might be possible. The information sent must be capable of being classified as confidential or secret. The Member State that invoked the safeguard clause must report to the other Member States, the European Parliament and the Commission once the checks have been lifted. The public must also be informed in an appropriate manner of the reintroduction of checks at internal borders and of the authorised crossing-points, save where this is precluded by the reasons for their reintroduction.
- (18) Provision must be made for a procedure enabling the Commission to adapt the detailed practical rules governing border checks.
- (19) The measures needed to implement this Regulation should be taken pursuant to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.<sup>8</sup>
- (20) Since the objectives of the proposed action, namely the establishment of rules applicable to the movement of persons across borders, directly affect the Community acquis on external and internal borders and cannot thus be achieved sufficiently by the Member States acting alone, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the

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<sup>7</sup> OJ L 374, 31.12.1991, p. 4. Regulation as amended by Parliament and Council Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

<sup>8</sup> OJ L 184, 17.09.1999, p. 23.

principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve this objective.

- (21) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. It will be implemented in accordance with the Member States' obligations as regards international protection and non-refoulement.
- (22) This Regulation replaces the Common Manual and the provisions of the Convention implementing the Schengen Agreement of 14 June 1985 on the crossing of internal and external borders. The Schengen Executive Committee decisions of 22 December 1994 (SCH/Com-ex (94)17, rev.4)<sup>9</sup> and 20 December 1995 (SCH/Com-ex (95) 20, rev. 2),<sup>10</sup> and Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance,<sup>11</sup> should also be repealed.
- (23) By way of derogation from Article 299 of the Treaty, the only territories of France and the Netherlands to which this Regulation applies are those in Europe. It does not affect the specific arrangements applied in Ceuta and Melilla, as defined in the Act of Accession of the Kingdom of Spain to the Convention implementing the Schengen Agreement of 14 June 1985.<sup>12</sup>
- (24) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark will not participate in the adoption of this Regulation and is not therefore bound by it or required to apply it. Given that this Regulation builds upon the Schengen acquis under the provisions of Title IV of the Treaty establishing the European Community, Denmark will decide within a period of six months after the Council has adopted this Regulation whether or not to implement it in its national law, as provided for in Article 5 of the Protocol.
- (25) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis<sup>13</sup> which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement.<sup>14</sup>
- (26) This Regulation constitutes a development of the provisions of the Schengen acquis in which the United Kingdom is not participating, in accordance with Council Decision 2000/365/EC of 29 May 2000 on the request by the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis.<sup>15</sup>

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<sup>9</sup> OJ L 239, 22.09.2000, p. 168.

<sup>10</sup> OJ L 239, 22.09.2000, p. 133.

<sup>11</sup> OJ L 116, 26.04.2001, p. 5.

<sup>12</sup> OJ L 239, 22.09.2000, p. 69.

<sup>13</sup> OJ L 176, 10.07.1999, p. 36.

<sup>14</sup> OJ L 176, 10.07.1999, p. 31.

<sup>15</sup> OJ L 131, 01.06.2000, p. 43.

The United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

- (27) This Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis.<sup>16</sup> Ireland is therefore not taking part in the adoption of the Regulation and is not bound by it or subject to its application.
- (28) This Regulation constitutes an act building on the Schengen acquis or otherwise related to it within the meaning of Article 3(1) of the Act of Accession, except for Title III, for which the provisions of Article 3(2) of the Act of Accession apply,

HAS ADOPTED THIS REGULATION:

## **TITLE I**

### **GENERAL PROVISIONS**

#### *Article 1* *Object*

This Regulation establishes rules governing the movement of persons across external and internal borders in the European Union.

#### *Article 2* *Definitions*

For the purposes of this Regulation the following definitions shall apply:

1) “internal borders” means:

- a) the common land borders of the Member States;
- b) the airports of the Member States for internal flights;
- c) sea and lake ports of the Member States for regular ferry connections;

2) “external borders” means the Member States' land and sea borders and their airports, sea ports and lake ports, provided that they are not internal borders;

3) “internal flight” means any flight exclusively to or from the territories of the Member States and not landing in the territory of a third State;

4) “regular ferry connection” means any connection between the same two or more ports situated in the territory of the Member States, not calling at any ports outside the territory of the Member States and consisting of the transport of passengers and vehicles according to a

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<sup>16</sup> OJ L 64, 07.03.2002, p. 20.

published timetable or with such regularity and frequency as to constitute a recognisable systematic series.

5) “third-country national” means any person who is not a Union citizen within the meaning of Article 17(1) of the Treaty;

6) “third-country national for whom an alert has been issued for the purposes of refusing entry” means any third-country national for whom an alert has been issued for the purposes of refusing entry in the Schengen Information System in accordance with Article 96 of the Schengen Convention.

7) “persons enjoying the Community right of free movement” means:

- a) Union citizens within the meaning of Article 17(1) of the Treaty, and third-country nationals who are members of the family of a Union citizen exercising his or her right to free movement to whom Directive 2004/38/EC<sup>17</sup> of 29 April 2004 applies,
- b) third-country nationals and their family members, whatever their nationality, who, under agreements between the Community and its Member States, on the one hand, and these countries, on the other, enjoy rights of free movement equivalent to those of citizens of the Union;

8) “border crossing-point” means any crossing-point authorised by the competent authorities for crossing external borders, whether they be land, sea or air borders;

9) “border check” means a check carried out at a border in response exclusively to an intention to cross that border, regardless of any other consideration. It covers:

- a) checks carried out at authorised border crossing-points, in accordance with this Regulation, to ensure that persons, their vehicles and the objects in their possession may be authorised to enter the territory of the Member States or authorised to leave it;
- b) surveillance of borders outside authorised border crossing-points and fixed hours, in accordance with this Regulation, to prevent persons from by-passing border crossing-points in order to avoid checks and enter or leave the territory of the Member States illegally;

10) “border guard” means any public servant assigned to a border crossing point or along the external land or sea border or the immediate vicinity of that border who is responsible, in accordance with the national legislation of each Member State, for carrying out border control tasks;

11) “local border traffic” means the specific rules on the crossing of borders by persons resident in border areas, as defined in Regulation (EC) No ... on the establishment of a regime of local border traffic at the external land borders of the Member States;<sup>18</sup>

12) “carrier” means any natural or legal person whose occupation it is to provide passenger transport by air, sea or land;

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<sup>17</sup> OJ L 158, 30.04.2004, p. 77.

<sup>18</sup> OJ L...

13) “residence permit” means any authorisation issued by the authorities of a Member State allowing a third-country national to stay legally on its territory, with the exception of:

- a) visas; and
- b) permits issued pending examination of an application for a residence permit or for asylum;

14) “cruise ship” means a ship which follows a given itinerary in accordance with a predetermined programme, whose passengers take part in a collective programme of tourist activities in the various ports and which normally neither takes passengers on nor allows passengers to disembark during the voyage;

15) “pleasure boating” means the use of pleasure boats equipped with sails and/or an engine for private use which are used for sporting or tourism purposes;

16) “coastal fisheries” means fishing carried out with the aid of vessels which return every day or after a few days to a port situated in the territory of a Member State without calling at a port situated in a third State.

### *Article 3* *Scope*

This Regulation shall apply to any person crossing the border of a Member State, but without affecting:

- a) the rights of persons enjoying the Community right of free movement;
- b) the rights of refugees and persons requesting international protection, in particular as regards non-refoulement;
- c) the rights of third-country nationals who are long-term residents as defined by Council Directive 2003/109/EC.<sup>19</sup>

## **TITLE II** **EXTERNAL BORDERS**

### **Chapter I** **Crossing of external borders** **and conditions for entry**

#### *Article 4* *Crossing external borders*

1. External borders may be crossed only at authorised border crossing-points and during the fixed opening hours. The opening hours must be clearly indicated at border posts.

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<sup>19</sup> OJ L 16, 23.01.2004, p. 44.

Specific crossing-points reserved for residents of border areas may be provided for under the regime of local border traffic.

The list of authorised crossing-points is set out in Annex I.

2. By way of derogation from paragraph 1, exceptions to the obligation to cross external borders only at border crossing-points and during fixed opening hours may be allowed:
  - a) under the regime of local border traffic;
  - b) in connection with pleasure boating or coastal fishing;
  - c) for seamen going ashore to stay in the area of the port where their ships call or in the adjacent municipalities;
  - d) for nationals of Member States crossing the border of the Member State whose nationality they hold;
  - e) for individuals or groups of persons, where there is a requirement of a special nature, provided that they are in possession of the permits required by national legislation and that it does not conflict with the interests of public policy and the internal security of the Member States. Such a permit may be issued only if the person requesting it produces the necessary documents when crossing the border.
3. Without prejudice to the exceptions provided for in paragraph 2 or to their international protection obligations, the Member States shall introduce penalties, in accordance with their national law, for the unauthorised crossing of external borders at places other than crossing points or at times other than the fixed opening hours. These penalties must be effective, proportionate and dissuasive.

*Article 5*  
*Entry conditions for third-country nationals*

1. For stays not exceeding 90 days, third-country nationals may be granted entry into the territory of the Member States provided they fulfil the following conditions:
  - a) they possess a valid document or documents authorising them to cross the border;
  - b) they are in possession of a valid visa if required;
  - c) they produce, if necessary, documents justifying the purpose and conditions of the intended stay, including evidence of travel insurance, and they have sufficient means of subsistence, both for the period of the intended stay and for the return to their country of origin or transit to a third State into which they are certain to be admitted, or are in a position to acquire such means lawfully;
  - d) they are not persons for whom an alert has been issued for the purposes of refusing entry in the Schengen Information System (SIS);

- e) they are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States.
2. It is for the third-country national to provide on request the reason for his application to enter the territory for a short stay. In the event of doubt, border guards shall demand presentation of formal documentary evidence.

The supporting documents used to verify fulfilment of the conditions set out in paragraph 1 are specified in Annex II.

3. Means of subsistence shall be assessed in accordance with the purpose of the stay and by reference to average prices for board and lodging. The reference amounts set each year by each of the Member States are shown in Annex III.
4. Third-country nationals holding a valid residence permit issued by a Member State shall be exempt from the visa requirement for entering the territory of the other Member States.
5. By way of derogation from paragraph 1, third-country nationals who do not fulfil all the entry conditions but hold a residence permit or authorisation or a re-entry visa issued by one of the Member States or, where required, both documents, shall be authorised entry to the territories of the other Member States for transit purposes so that they may reach the territory of the Member State which issued the residence permit or authorisation or re-entry visa, unless their names are on the national list of alerts of the Member State whose external borders they are seeking to cross and the alert is accompanied by instructions as to refusal of entry or transit.
6. If a third-country national who does not fulfil the conditions for entry given in paragraph 1 invokes the provisions of Article 11(1) and requests entry and transit by the external border of a Member State other than the one which has agreed, exceptionally, to allow him to reside there, he must be sent back and allowed to present himself at the external border of the latter Member State, for the purpose of entering its territory.
7. The residence permits and authorisations referred to in paragraphs 4 and 5 cover:
- a) all residence permits issued by the Member States according to the uniform format laid down by Regulation (EC) No 1030/2002,<sup>20</sup>
  - b) all other residence permits and authorisations and return visas referred to in Annex 4 to the Common Consular Instructions.<sup>21</sup>

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<sup>20</sup> OJ L 157, 15.06.2002, p. 1.

<sup>21</sup> OJ C 313, 16.12.2002, p. 1; OJ C 310, 19.12.2003, p. 1.

## **Chapter II**

### **Control of external borders and refusal of entry**

#### *Article 6*

##### *Checks on persons at authorised crossing-points*

1. Cross-border movement at external borders shall be subject to checks by the national border guards. Checks shall be carried out in accordance with paragraphs 2 and 3.
2. All persons shall undergo a minimum check in order to establish their identities on the basis of the production or presentation of their travel documents.

The checks shall be carried out by each Member State in accordance with its legislation, in particular where searches are involved. The checks may also cover the vehicles and objects in the possession of the persons crossing the border.

3. On entry and exit, third-country nationals shall be subject to a thorough check.

Thorough checks shall comprise:

- a) the verification of travel documents and the other conditions governing entry and residence laid down in Article 5(1) and, where applicable, documents authorising residence and the pursuit of a professional activity;
  - b) the detection and prevention of threats to the internal security, public policy and public health of the Member States, and the recording of offences, particularly through direct consultation of reports on persons and objects included in the Schengen Information System (SIS) and in national data files.
4. Detailed rules governing the checks provided for by paragraphs 2 and 3 are in Annex IV.

#### *Article 7*

##### *Relaxation of checks*

1. Checks at land borders may be relaxed as a result of exceptional and unforeseen circumstances requiring immediate measures to be taken.
2. If the checks provided for by Article 6 cannot be carried out systematically by reason of exceptional and unforeseen circumstances as referred to in paragraph 1, priorities must be set.
3. Detailed rules governing the relaxation of checks and the priority criteria are laid down in Annex V.
4. The relevant Member State shall inform the other Member States and the Commission at the earliest possible opportunity of the measures taken in accordance with paragraphs 1 and 2.



5. Even where checks are relaxed, third-country nationals must be able to request and obtain stamps in their travel document in accordance with Article 9.

#### *Article 8*

##### *Separate lanes and information on signs*

1. Member States shall establish separate lanes at authorised crossing-points on their external air borders so that border checks can be carried out on persons in accordance with Article 6. Such lanes shall be identified by the signs provided for by paragraph 2.

The establishment of separate lanes shall be optional at Member States' authorised maritime and land crossing-points and at borders between Member States not applying Article 18.

2. The minimum indications on signs, which may be electronic displays, shall be as follows:
  - a) for lanes to be used solely by persons enjoying the Community right of free movement: the emblem of the European Union with the letters "EU", "EEA" and "CH" within the circle of stars and the word "CITIZENS" beneath the circle of stars, as shown in Annex VI, part A,
  - b) for lanes intended for the other categories of third country national, but which may also be used by those who enjoy the Community right to free movement: the words "ALL PASSPORTS", as shown in Annex VI, part B.

The indications on the signs mentioned above may be written in such language or languages as each Member State considers appropriate.

3. At authorised maritime and land crossing-points, Member States may separate traffic into lanes for different types of vehicle – cars, lorries and buses – by means of the signs in Annex VI, Part C.
4. In the event of a temporary imbalance in traffic flows at a particular border crossing point, the rules relating to the use of the different lanes may be waived by the relevant authorities for the time necessary to eliminate such imbalance.
5. The adaptation of existing signs to the provisions of paragraphs 1, 2 and 3 shall be completed by 31 May 2009. Where Member States replace existing signs or put up new ones before that date, they must respect the minimum indications provided for in those paragraphs.

#### *Article 9*

##### *Stamping of the travel documents of third-country nationals*

1. The travel documents of third-country nationals shall be systematically stamped on entry. In particular an entry stamp shall be affixed to:

- a) the documents, bearing a valid visa, enabling third-country nationals to cross the border;
  - b) the documents enabling third-country nationals to whom a visa is issued at the border by a Member State to cross the border;
  - c) the documents enabling third-country nationals not subject to a visa requirement to cross the border.
2. No entry or exit stamp shall be affixed:
- a) to the travel documents of third-country nationals enjoying the Community right of free movement;
  - b) to the travel documents of seamen who are present within the territory of a Member State only when their ship puts in and in the area of the port of call;
  - c) to pilots' licences or the certificates of aircraft crew members;
  - d) in the case of persons benefiting from local border traffic arrangements, provided they are in possession of the required permits;
  - e) in the case of persons not normally subject to any check (for example Heads of State and dignitaries whose arrival has been officially announced in advance through diplomatic channels);
  - f) to documents enabling nationals of Andorra, Monaco and San Marino to cross the border.

Exceptionally, at the request of a third-country national, insertion of an entry or exit stamp may be dispensed with if insertion might cause serious difficulties for that person. In that case, entry or exit must be recorded on a separate sheet indicating the name and passport number.

3. The exit stamp shall be placed systematically on documents authorising a third-country national to cross the border which contain a multiple-entry visa with a restriction on the total length of stay.
4. The practical arrangements for stamping are set out in Annex VII.

*Article 10*  
*Surveillance between border crossing-points*

1. The competent authorities shall use mobile units to carry out external border surveillance:
  - a) between authorised crossing-points; and
  - b) at border crossing-points outside normal opening hours.

This surveillance shall be carried out in such a way as to discourage people from circumventing the checks at crossing-points.

2. The main purpose of surveillance of external borders at places other than border crossing-points and surveillance of these crossing-points outside opening hours shall be to prevent unauthorised border crossings, to counter cross-border criminality and to apply or to take measures against persons who have crossed the border illegally.
3. Surveillance between authorised crossing-points shall be carried out by personnel whose numbers and methods shall be adapted to the practical situation. It shall involve frequent and sudden changes to surveillance periods, so that unauthorised border crossings will be an ongoing risk.
4. Surveillance shall be carried out by mobile units which perform their duties by patrolling or stationing themselves at places known or perceived to be sensitive, the aim of such surveillance being to apprehend individuals crossing the border illegally. Surveillance may also be carried out by technical means, including electronic means.
5. The means and method of surveillance are selected in the light of operational conditions and, in particular, of the type and nature of the border (land, inland waterway or sea).
6. Detailed rules governing surveillance shall be adopted in accordance with the procedure provided for by Article 30(2).

*Article 11*  
*Refusal of entry*

1. A third-country national who does not fulfil all the entry conditions laid down in Article 5(1) shall be refused entry to the territories of the Member States unless a Member State considers it necessary to derogate from that principle on humanitarian grounds, on grounds of national interest or because of international obligations. In such cases authorisation to enter shall be restricted to the territory of the Member State concerned, which shall inform the other Member States accordingly. These rules shall not preclude the application of special provisions concerning the right of asylum or the issue of long-stay visas.
2. Where third-country nationals subject to the visa requirement because of their nationality present themselves at the border without such a visa, they shall be refused entry unless they fulfil the conditions laid down in Article 1(2) of Regulation (EC) No 415/2003.<sup>22</sup>

If these conditions are fulfilled, a visa may be issued at the border in accordance with the above Regulation. Visas issued at the border must be recorded on a list.
3. Entry shall be refused by a substantiated decision taken by the authority empowered to do so by national law, which shall state the procedures for appeal; it shall take effect immediately or, where appropriate, on expiry of the time limit laid down by national law.

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<sup>22</sup> OJ L 64, 07.03.2003, p. 1.

The standard form for refusal of entry is given in Annex VIII, Part B. The third-country national concerned must acknowledge receipt of the decision to refuse entry by means of that form.

4. The border guards shall ensure that a third-country national refused entry does not enter the territory of the Member State concerned or, if he has already entered it, leaves immediately.
5. Detailed rules governing refusal of entry are given in Annex VIII, Part A.

### **Chapter III**

## **Resources for border checks and cooperation between Member States**

#### *Article 12* *Resources for border checks*

Member States shall deploy appropriate staff and resources in sufficient numbers to carry out checks at the external borders, in accordance with Articles 6 to 11, in such a way as to ensure a high level of checks at their external borders.

#### *Article 13* *Implementation of checks*

1. The border checks provided for by Articles 6 to 11 of this Regulation shall be carried out by the services of the Member States responsible for border guard duties in accordance with national law.

When carrying out these duties, border guards are vested with the powers of border police and the powers to instigate criminal proceedings conferred on them by national law.

National services responsible for border guard duties shall be staffed with specialised and properly trained professionals.

2. Measures taken in the performance of border guard duties shall be carried out in proportion to the objectives pursued by such measures.
3. The list of national services responsible for border guard duties under the national law of each Member State is given in Annex IX.
4. To control borders effectively, the Member States shall ensure close, permanent cooperation between all national services responsible for border guard duties.

*Article 14*  
*Cooperation between Member States*

1. The Member States shall assist each other and shall maintain constant, close cooperation with a view to the effective implementation of border checks.
2. Operational cooperation between Member States shall be managed and coordinated by the European Agency for the Management of Operational Cooperation at the External Borders.

*Article 15*  
*Joint controls*

1. Member States which do not apply Article 18 to their common land borders may, up to the date of application of this Article, jointly control those common borders, without prejudice to Articles 6 to 11.

To this end, Member States may conclude bilateral arrangements between themselves.

2. Member States shall inform the Commission of arrangements concluded in accordance with paragraph 1.

## **Chapter IV**

### **Special detailed rules for border checks and specific procedures**

*Article 16*  
*Special detailed rules for different types of border and the different means of transport used for crossing the Member States' external borders*

Special detailed rules such as those provided for by Annex X shall be determined for different types of border and the different means of transport used for crossing the Member States' external borders:

- a) land borders (road and rail);
- b) air borders (international airports, aerodromes, internal flights);
- c) maritime borders and inland waterway navigation.

*Article 17*  
*Specific arrangements*

1. Special arrangements such as those provided for by Annex XI shall be determined for certain categories of persons:
  - a) pilots of aircraft and other crew members;

- b) seamen;
  - c) holders of diplomatic, official or service passports and members of international organisations;
  - d) border workers;
  - e) minors.
2. The model cards issued by the Member States' Foreign Ministries to accredited members of diplomatic missions and consular representations and members of their families are given in Annex XII.

### **TITLE III**

#### **INTERNAL BORDERS**

### **Chapter I**

#### **Abolition of controls at internal frontiers**

*Article 18*  
*Crossing internal borders*

Internal borders may be crossed at any point without a border check on persons, irrespective of their nationality, being carried out.

*Article 19*  
*Checks within the territory*

The abolition of border checks at the internal borders shall not affect:

- a) the exercise of police powers by the competent authorities under the legislation of each Member State, if the checks at the internal border, in a hinterland area adjacent to the border or in defined border areas are carried out under conditions and for purposes identical to those applying to the territory as a whole, particularly as regards their frequency and intensity;
- b) security checks on persons carried out at ports and airports by the competent authorities under the legislation of each Member State, by port or airport officials or carriers, provided that such checks are also carried out on persons travelling within a Member State;
- c) the possibility for a Member State to provide by legislation for an obligation to hold or carry papers and documents;
- d) the obligation on third-country nationals to report their presence on the territory of any Member State pursuant to Article 22 of the Schengen Convention.

## Chapter II

### Safeguard clause

#### *Article 20*

##### *Reintroduction of checks at internal borders by a Member State*

1. A Member State may reintroduce border checks at its internal borders for a limited period of no more than 30 days in the event of a serious threat to public policy, public health or internal security, in accordance with the procedure laid down in Article 21 or, in an emergency, with that laid down in Article 22. The scope and duration of the checks may not exceed what is strictly necessary to respond to the serious threat.
2. If the threat to public policy, internal security or public health persists beyond 30 days, the Member State may maintain border checks on the same grounds as those referred to in paragraph 1 and, taking into account any new elements, for renewable periods of up to 30 days, in accordance with the procedure laid down in Article 23.

#### *Article 21*

##### *Procedure in case of foreseeable events*

1. If a Member State is planning to reintroduce checks at internal borders under Article 20(1), it shall immediately notify the other Member States and the Commission accordingly, supplying the following information:
  - a) the reasons for the proposed decision, detailing the events that constitute a serious threat to public policy, internal security or public health;
  - b) the scope of the proposed decision, specifying the borders at which checks are to be reintroduced;
  - c) the names of the authorised crossing-points;
  - d) the date and duration of the proposed decision;
  - e) where appropriate, the measures to be taken by the other Member States.
2. Following the notification from the Member State concerned, and in view of the consultation provided for in paragraph 3, the Commission shall issue an opinion.
3. The information provided for by paragraph 1, as well as the opinion provided for by paragraph 2, shall be the subject of consultations between the requesting State, the other Member States within the Council and the Commission, with a view to organising, where appropriate, mutual cooperation between the Member States and to examining the proportionality of the measures to the event giving rise to the reintroduction of checks and the threats to public policy, internal security or public health.

The consultation mentioned above shall take place at least fifteen days before the date planned for the reintroduction of checks.

4. Checks may only be reintroduced after the consultations referred to in paragraph 3.

*Article 22*  
*Emergency procedure*

1. If considerations of public policy, internal security or public health in a State demand emergency action, the Member State concerned may immediately reintroduce checks at internal borders.
2. The requesting State shall notify the other Member States and the Commission accordingly, without delay, supplying the information referred to in Article 21(1) and giving the reasons that justify the use of the emergency procedure.

*Article 23*  
*Procedure for prolonging checks at internal borders*

1. Checks at internal borders may only be prolonged under the provisions of Article 20(2) after consulting the other Member States in the Council and the Commission.
2. The requesting Member State shall supply the other Member States and the Commission with all relevant information on the reasons for prolonging the checks at internal borders.

The provisions of Article 21(2) shall apply.

*Article 24*  
*Joint reintroduction of checks at internal borders because of a cross-border terrorist threat*

1. In the event of an exceptionally serious threat to public policy, internal security or public health affecting several Member States, for example in the event of a cross-border terrorist threat, the Council, acting on a proposal by the Commission, may decide by qualified majority to reintroduce checks immediately at all internal borders or at particular borders of all or several Member States. The scope and duration of these checks may not exceed what is strictly necessary for responding to the exceptional seriousness of the threat.
2. The Council, acting on a proposal by the Commission, shall decide by qualified majority to lift these exceptional measures as soon as the exceptionally serious threat has ceased to exist.
3. The European Parliament shall be informed of the measures taken under paragraphs 1 and 2 without delay.
4. This Article shall not preclude an immediate and concomitant decision taken by a Member State under Article 22.



*Article 25*  
*Arrangements for checks where the safeguard clause applies*

Where checks at internal borders are reintroduced, the relevant provisions of Title II shall apply.

*Article 26*  
*Report on the reintroduction of checks at internal borders*

The Member State which has reintroduced checks at internal borders under Article 20 shall confirm the date on which these controls are lifted and, at the same time or soon afterwards, present a report to the European Parliament, the Council and the Commission on the reintroduction of checks at internal borders.

*Article 27*  
*Informing the public*

If the reasons for the application of the safeguard clause allow, the Member State(s) reintroducing checks at internal borders shall inform the public in an appropriate manner about the reintroduction of checks and the authorised crossing-points.

*Article 28*  
*Confidentiality*

At the request of the Member State concerned, the other Member States, the European Parliament and the Commission shall respect the confidentiality of information supplied in connection with the reintroduction and prolongation of checks and the report drawn up under Article 26.

**TITLE IV**  
**FINAL PROVISIONS**

*Article 29*  
*Amendments to the Annexes*

Annexes I to XII shall be amended in accordance with the procedure provided for in Article 30(2).

*Article 30*  
*Committee*

1. The Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at two months.

3. The committee shall adopt its rules of procedure.

#### *Article 31*

##### *Non-application to certain territories*

1. This Regulation shall not apply to the non-European territories of France and the Netherlands.
2. The provisions of this Regulation shall not adversely affect the special rules applying to the cities of Ceuta and Melilla, as defined in the Final Act of the Agreement on the Accession of Spain to the Convention implementing the Schengen Agreement of 14 June 1985.<sup>23</sup>

#### *Article 32*

##### *Notification of information by the Member States*

Within ten working days of the entry into force of this Regulation, the Member States shall notify the Commission of national provisions relating to Article 19(c) and (d). Subsequent changes to these provisions shall be notified within five working days.

The information notified by the Member States shall be published in the *Official Journal of the European Union*, C Series.

#### *Article 33*

##### *Report on the application of Title III*

The Commission shall submit to the European Parliament and the Council, no later than three years after the entry into force of this Regulation, a report on the application of Title III.

The Commission shall pay particular attention to any difficulties arising from the reintroduction of checks at internal borders. Where appropriate, it shall present proposals aimed at resolving such difficulties.

#### *Article 34*

##### *Deletions and repeals*

1. Articles 2 to 8 of the Convention implementing the Schengen Agreement of 14 June 1985 shall be deleted with effect from ... *[date of entry into operation of this Regulation]*.
2. The following are repealed with effect from the same date:
  - the Common Manual, including its annexes;

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<sup>23</sup> OJ L 239, 22.09.2000, p. 73.

- the decisions of the Schengen Executive Committee of 22 December 1994 (SCH/Com-ex (94)17, rev.4) and 20 December 1995 (SCH/Com-ex (95) 20, rev. 2);
- Annex 7 to the Common Consular Instructions;
- Regulation (EC) No 790/2001.

References to the Articles deleted and instruments repealed shall be construed as references to this Regulation and should be read in accordance with the correlation table in Annex XIII.

*Article 35*  
*Entry into force*

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

It shall be applicable from ... [*six months after entry into force*].

This Regulation shall be binding in its entirety and directly applicable in all Member States, in accordance with the Treaty establishing the European Community.

Done at Brussels,

*For the Council*  
*The President*

**ANNEX I**  
**Authorised border crossing-points**

**BELGIUM**

*Air borders*

- Brussels National Airport (Zaventem)
- Oostende
- Deurne
- Bierset
- Gosselies
- Wevelgem (aerodrome)

*Sea borders*

- Antwerpen
- Oostende
- Zeebrugge
- Nieuwpoort
- Gent
- Blankenberge

*Land border*

- Eurostar (Channel Tunnel)  
Station Brussel-Zuid/Gare de Bruxelles-Midi

## CZECH REPUBLIC

### CZECH REPUBLIC – POLAND

#### *Land borders*

1. Bartultovice – Trzebina
2. Bílý Potok – Paczków
3. Bohumín – Chałupki
4. Bohumín – Chałupki (railway)
5. Bukovec – Jasnowice
6. Český Těšín – Cieszyn
7. Český Těšín – Cieszyn (railway)
8. Chotěbuz – Cieszyn
9. Dolní Lipka – Boboszów
10. Dolní Marklovice – Marklowice Górne
11. Frýdlant v Čechách – Zawidów (railway)
12. Habartice – Zawidów
13. Harrachov – Jakuszyce
14. Horní Lištná – Leszna Górna
15. Hrádek nad Nisou – Porajów
16. Královec – Lubawka
17. Královec – Lubawka (railway)
18. Krnov – Pietrowice
19. Kunratice – Bogatynia
20. Lichkov – Międzyzlesie (railway)
21. Meziměstí – Mieroszów (railway)
22. Mikulovice – Głuchołazy
23. Mikulovice – Głuchołazy (railway)

24. Náchod – Kudowa Słone
25. Nové Město p. Smrkem – Czerniawa Zdrój
26. Osoblaha – Pomorzowiczki
27. Otovice – Tłumaczów
28. Petrovice u Karviné – Zebrzydowice (railway)
29. Pomezní Boudy – Przełęcz Okraj
30. Srbská – Miloszów
31. Starostín – Golińsk
32. Sudice – Pietraszyn
33. Závada – Golkowice
34. Zlaté Hory – Konradów

*Local border traffic (\*) and tourist crossing points (\*\*)*

1. Andělka – Lutogniewice\*\*
2. Bartošovice v Orlických horách – Niemojów\*/\*\*
3. Bernartice – Dziewiętlice\*
4. Beskydek – Beskidek\*
5. Bílá Voda – Złoty Stok\*
6. Božanov – Radków\*\*
7. Česká Čermná – Brzozowice\*\*
8. Chomýž – Chomiąza\*
9. Chuchelná – Borucin\*
10. Chuchelná – Krzanowice\*
11. Harrachov – Polana Jakuszycka\*\*
12. Hat' – Rudyszwałd\*
13. Hat' – Tworków\*
14. Hněvošice – Ściborzyce Wielkie\*
15. Horní Morava – Jodłów\*\*

16. Hřčava – Jaworzynka\*/\*\*
17. Janovičky – Głuszyca Górna\*\*
18. Karviná Ráj II – Kaczyce Górne\*
19. Kojkovice – Puńców\*
20. Kopytov – Olza\*
21. Linhartovy – Lenarcice\*
22. Luční bouda – Równia pod Śnieżką\*\*
23. Luční bouda – Śląski Dom\*\*
24. Machovská Lhota – Ostra Góra\*\*
25. Malá Čermná – Czerмна\*
26. Malý Stožek – Stožek\*
27. Masarykova chata – Zieleniec\*\*
28. Mladkov (Petrovičky) – Kamieńczyk\*\*
29. Nýdek – Wielka Czantorja\*\*
30. Olešnice v Orlických horách (Čihalka) – Duszniki Zdrój\*\*
31. Opava – Pilszcz\*
32. Orlické Záhoří – Mostowice\*
33. Petříkovice – Okreszyn\*\*
34. Pišť – Bolesław\*
35. Pišť – Owsiszczce\*
36. Rohov – Ściborzyce Wielkie\*
37. Šilheřovice – Chałupki\*
38. Smrk – Stóg Izerski\*\*
39. Soví sedlo (Jelenka) – Sowa Przełęcz\*\*
40. Špindleruv mlýn – Przesieka\*\*
41. Staré Město – Nowa Morawa\*/\*\*
42. Strahovice – Krzanowice\*

43. Travná – Lutynia\*/\*\*
44. Třebom – Gródczanki\*
45. Třebom – Kietrz\*
46. Úvalno – Branice\*
47. Vávrovice – Wiechowice\*
48. Velké Kunětice – Sławniowice\*
49. Velký Stožec – Stožek\*\*
50. Věřňovice – Gorzyczki\*
51. Věřňovice – Łaziska\*
52. Vidnava – Kałków\*
53. Vosecká bouda (Tvarožník) – Szrenica\*\*
54. Vrchol Kralického Sněžníku – Snieznik\*\*
55. Žaclěř – Niedomirów\*\*
56. Zdoňov – Łączna\*\*
57. Zlaté Hory – Jarnołtówek\*\*

#### **CZECH REPUBLIC – SLOVAKIA**

##### *Land borders*

1. Bílá – Klokočov
2. Bílá-Bumbálka – Makov
3. Břeclav (motorway) – Brodské (motorway)
4. Březová – Nová Bošáca
5. Brumov-Bylnice – Horné Srnie
6. Hodonín – Holíč
7. Hodonín – Holíč (railway)
8. Horní Lideč – Lúky pod Makytou (railway)
9. Lanžhot – Brodské
10. Lanžhot – Kúty (railway)



11. Mosty u Jablunkova – Čadca (railway)
12. Mosty u Jablunkova – Svrčinovec
13. Nedašova Lhota – Červený Kameň
14. Šance – Čadca-Milošová
15. Starý Hrozenkov – Drietoma
16. Strání – Moravské Lieskové
17. Střelná – Lysá pod Makytou
18. Sudoměřice – Skalica
19. Sudoměřice – Skalica (railway)
20. Velká nad Veličkou – Vrbovce (railway)
21. Velká nad Veličkou – Vrbovce
22. Velké Karlovice – Makov
23. Vlárský průsmyk – Horné Srnie (railway)

#### **CZECH REPUBLIC – AUSTRIA**

##### *Land borders*

1. Břeclav – Hohenau (railway)
2. České Velenice – Gmünd
3. České Velenice – Gmünd (railway)
4. České Velenice – Gmünd 2
5. Chlum u Třeboně – Schlag
6. Čížov – Hardegg
7. Dolní Dvořiště – Wulowitz
8. Halámky – Gmünd-Neu-Nagelberg
9. Hatě – Kleinhaugsdorf
10. Hevlín – Laa an der Thaaya
11. Hnanice – Mitterretzbach
12. Horní Dvořiště – Summerau (railway)

13. Ježová – Iglbach
14. Koranda – St. Oswald
15. Mikulov – Drasenhofen
16. Nová Bystřice – Grametten
17. Nové Hrady – Pyhrabruck
18. Plešné jezero – Plöckensteinersee
19. Poštorná – Reinthal
20. Přední Výtoň – Guglwald
21. Šatov – Retz (railway)
22. Slavonice – Fratres
23. Studánky – Weigetschlag
24. Valtice – Schrattenberg
25. Vratěšín – Oberthürnau
26. Zadní Zvonková – Schöneben

#### **CZECH REPUBLIC – GERMANY**

##### *Land borders*

1. Aš – Selb
2. Aš – Selb- Plössberg (railway)
3. Boží Dar – Oberwiesenthal
4. Broumov – Mähring
5. Česká Kubice – Furth im Wald (railway)
6. Cheb – Schirnding (railway)
7. Cínovec – Altenberg
8. Cínovec – Zinnwald
9. Děčín – Bad Schandau (railway)
10. Dolní Poustevna – Sebnitz
11. Doubrava – Bad Elster

12. Folmava – Furth im Wald
13. Hora sv. Šebestiána – Reitzenhain
14. Hrádek nad Nisou – Zittau (railway)
15. Hřensko – Schmilka
16. Hřensko – Schöna (river)
17. Jiříkov – Neugersdorf
18. Kraslice – Klingenthal
19. Kraslice / Hraničná – Klingenthal (railway)
20. Lísková – Waldmünchen
21. Mníšek – Deutscheinsiedel
22. Moldava – Neurehefeld
23. Pavlův Studenec – Bärnau
24. Pomezí nad Ohří – Schirnding
25. Potůčky – Johanngeorgenstadt (railway)
26. Potůčky – Johanngeorgenstadt
27. Petrovice – Bahratal
28. Rozvadov – Waidhaus
29. Rozvadov – Waidhaus (motorway)
30. Rumburk – Ebersbach – Habrachtice (railway)
31. Rumburk – Neugersdorf
32. Rumburk – Seifhennersdorf
33. Stožec – Haidmühle
34. Strážný – Philippsreuth
35. Svatá Kateřina – Neukirchen b.Hl. Blut
36. Svatý Kříž – Waldsassen
37. Varnsdorf – Seifhennersdorf
38. Vejprty – Bärenstein

39. Vejprty – Bärenstein (railway)
40. Vojtanov – Bad Brambach (railway)
41. Vojtanov – Schönberg
42. Všeruby – Eschlkam
43. Železná – Eslarn
44. Železná Ruda – Bayerisch Eisenstein
45. Železná Ruda – Bayerisch Eisenstein (railway)

*Tourist crossing points*

1. Brandov – Olbernhau (Grünthal)
2. Branka – Hermannsreuth
3. Bublava – Klingenthal/Aschberg
4. Bučina – Finsterau
5. Čerchov – Lehmgrubenweg
6. Černý Potok – Jöhstadt
7. České Žleby – Bischofsreut (Marchhäuser)
8. Český Jiřetín – Deutschgeorgenthal
9. Debrník – Ferdinandsthal
10. Dolní Podluží – Waltersdorf (Herrenwalde)
11. Dolní Světlá – Jonsdorf
12. Dolní Světlá – Waltersdorf
13. Dolní Žleb – Elbradweg Schöna
14. Fleky – Hofberg
15. Fojtovice – Fürstenau
16. Hora sv. Kateřiny – Deutschkatharinenberg
17. Horní Paseky – Bad Brambach
18. Hrádek nad Nisou – Hartau
19. Hranice – Bad Elster/ Bärenloh

20. Hranice – Ebmath
21. Hřebečná (Boží Dar/Hubertky) – Oberwiesenthal
22. Hřebečná/Korce – Henneberg (Oberjugel)
23. Hřensko – Schöna
24. Jelení – Wildenthal
25. Jílové/Sněžník – Rosenthal
26. Jiříkov – Ebersbach (Bahnhofstr.)
27. Křížový Kámen – Kreuzstein
28. Krompach – Jonsdorf
29. Krompach – Oybin/Hain
30. Kryštofovy Hamry – Jöhstadt (Schmalzgrube)
31. Libá/Dubina – Hammermühle
32. Lipová – Sohland
33. Lobendava – Langburkersdorf
34. Lobendava/Severní – Steinigtwolmsdorf
35. Loučná – Oberwiesenthal
36. Luby – Wernitzgrün
37. Mikulášovice – Hinterhermsdorf
38. Mikulášovice (Tomášov) – Sebnitz OT/Hertigswalde (Waldhaus)
39. Mikulášovice/Tanečnice – Sebnitz (Forellenschänke)
40. Moldava – Holzhau
41. Mýtina – Neualbenreuth
42. Nemanice/Lučina – Untergrafenried
43. Nová Ves v Horách – Deutschneudorf
44. Nové Údolí /Trojstoličník/ – Dreisessel
45. Ostrý – Grosser Osser
46. Ovčí Vrch – Hochstrasse

47. Petrovice – Lückendorf
48. Pleš – Friedrichshäng
49. Plesná – Bad Brambach
50. Pod Třemi znaky – Brombeerregel
51. Potůčky – Breitenbrunn (Himmelswiese)
52. Prášily – Scheuereck
53. Přední Zahájí – Waldheim
54. Rybník – Stadlern
55. Šluknov/Rožany – Sohland (Hohberg)
56. Starý Hrozňatov – Hatzenreuth
57. Tři znaky – Drei Wappen
58. Zadní Doubice – Hinterheermsdorf
59. Ždár – Griesbach
60. Železná Ruda – Bayerisch Eisenstein

*Air borders*

- A. Public <sup>1</sup>
  1. Brno – Tuřany
  2. České Budějovice – Hosín
  3. Holešov
  4. Karlovy Vary
  5. Karlovy
  6. Liberec
  7. Mnichovo Hradiště
  8. Olomouc
  9. Ostrava – Mošnov

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<sup>1</sup> According to the category of users the international airports are divided to public and non public airports. Public airports accept, within the limits of their technical and operating capacity, all aircraft.

10. Pardubice
  11. Praha – Ruzyně
  12. Uherské Hradiště – Kunovice
- B. Non public <sup>2</sup>
1. Benešov
  2. Hradec Králové
  3. Líně
  4. Otrokovice
  5. Přerov
  6. Vodochody
  7. Vysoké Mýto

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<sup>2</sup> Users of non public airports are defined by the Office for civil aviation on the proposal of the airport operator.

## DENMARK

*Sea borders:*

*Denmark*

Aabenrå Havn

Aggersund Kalkværks Udslibningsbro

Allinge Havn

Asnæsværkets Havn

Assens Havn

Augustenborg Havn

Avedøreværkets Havn

Avernakke Pier

Bagenkop Havn

Bandholm Havn

Bogense Havn

Bønnerup Havn

Dansk Salt A/S' Anlægskaj

Det Danske Stålvalseværk A/S' Havn

Dragør Havn

Enstedværkets Havn

Esbjerg Havn

Faaborg Havn

Fakse Havn

Fakse Ladeplade Fiskeri- og Lystbådehavn

Fredericia Havn

Frederikshavn Havn

Gedser Havn



Grenå Havn  
Gråsten Havn  
Gudhjem Havn  
Gulfhavn, Stignæs  
Haderslev Havn  
Hals Havn  
Hanstholm Havn  
Hasle Havn  
Helsingør Statshavn  
Helsingør Færgehavn  
Hirtshals Havn  
H.J. Hansen Hadsund A/S' Havn  
Hobro Havn  
Holbæk Havn  
Holstebro-Struer Havn  
Horsens Havn  
Hou Havn (Odder)  
Hundested Havn  
Hvide Sande Havn  
Kalundborg Havn  
Kaløvig Bådehavn  
Kerteminde Havn og Marina  
Klintholm Havn  
Koldby Kås Havn (Samsø)  
Kolding Havn  
Kongsdal Havn  
Korsør Havn

Kyndbyværkets Havn  
Københavns Havn  
Køge Havn  
Lemvig Havn  
Lindholm Havn  
Lindø-Terminalen  
Lyngs Odde Ammoniakhavn  
Marstal Havn  
Masnedøværkets Havn  
Middelfart Havn  
Nakskov Havn  
Neksø Havn  
NKT Trådværket A/S' Havn  
Nordjyllandsværkets Havn  
Nyborg Havn  
Nyborg Fiskerihavn  
Nyborg Fritids- og Lystbåde-Havn  
Nykøbing Falster Havn  
Nykøbing Mors Havn  
Næstved Havn  
Odense Havn  
Odense Staalskibsværft A/S' Havn  
Orehoved Havn  
Randers Havn  
Rudkøbing Havn  
Rødby Færge- og Trafikhavn  
Rømø Havn

Rønne Havn  
Skagen Havn  
Skive Havn  
Skærbækværkets Havn  
Spodsbjerg Færgehavn  
Statoil Pieren  
Stege Havn  
Stevns Kridtbruds Udskibningspier  
Stignæsværkets Havn  
Stubbekøbing Havn  
Studstrupværkets Havn  
Svaneke Havn  
Svendborg Trafikhavn  
Sæby Havn  
Søby Havn  
Sønderborg Havn  
Tejn Havn  
Thisted Havn  
Thorsminde Havn  
Thyborøn Havn  
Vang Havn  
Vejle Havn  
Vordingborg Havn  
Ærøskøbing Havn  
Ålborg Havn  
Ålborg Portland  
Århus Havn

Årø Havn

Årø Sund Havn

*Faroe Islands:*

Fuglafjadar Havn

Klaksvíkar Havn

Kollafjadar Havn

Oyra Havn

Runavíkar Havn

Tórshavn Havn

Tvøroyrar Havn

Vágur Havn

Miovang/Sandavang Havn

Sørvang Havn

Vestmanna Havn

*Greenland:*

Aasiaat Havn (Egedesminde)

Ilulissat Havn (Jakobshavn)

Illoqqortoormiit Havn (Scoresbysund)

Kangerlussuaq Havn (Søndre Strømfjord)

Maniitsoq Havn (Sukkertoppen)

Nanortalik Havn

Narsaq Havn

Narsarsuaq Havn

Nuuk Havn (Godthåb)

Paamiut Havn (Frederikshåb)

Qaanaaq Havn (Thule)

Qaqortoq Havn (Julianehåb)

Qasigiannuguit Havn (Christianshåb)

Qeqertarsuaq Havn (Godhavn)

Sisimiut Havn (Holsteinsborg)

Tasiilaq Havn (Angmagssalik)

Upernavik Havn

Uummannaq Havn (Umanak)

*Air borders:*

*Denmark*

Billund Lufthavn

Esbjerg Lufthavn

Grønholt Flyveplads

Herning Flyveplads

Karup Lufthavn

Koldingegnens Lufthavn i Vamdrup

Københavns Lufthavn i Kastrup

Lolland-Falster Airport

Lemvig Lufthavn

Odense Lufthavn

Randers Flyveplads

Roskilde Lufthavn i Tune

Rønne Lufthavn

Sindal Lufthavn

Skive Lufthavn

Stauning Lufthavn

Sydfyns Flyveplads på Tåsinge

Sønderborg Lufthavn

Thisted Lufthavn

Vojens Lufthavn

Ærø Lufthavn

Ålborg Lufthavn

Århus Lufthavn

Års flyveplads i Løgstør

*Faroe Islands:*

Vågø Lufthavn

*Greenland:*

Aasiaat Lufthavn (Egedesminde)

Ilulissat Lufthavn (Jakobshavn)

Kangerlussuaq Lufthavn (Søndre Strømfjord)

Kulusuk Lufthavn

Maniitsoq Lufthavn (Sukkertoppen)

Nerlerit Inaat Lufthavn

Narsarsuaq Lufthavn

Pituffik Lufthavn (Thule)

Nuuk Lufthavn (Godthåb)

Qaanaaq Lufthavn (Thule)

Sisimiut Lufthavn (Holsteinsborg)

Upernavik Lufthavn

Uummannaq Lufthavn (Umanak)

## GERMANY

### GERMANY – DENMARK

- Designation of border crossing points  
on the German side

- Designation of border crossing points  
on the Danish side

Flensburg Bahnhof	Pattburg (Padborg)
Wassersleben	Kollund
Kupfermühle	Krusau (Kruså)
Flensburg Bahnhof	Pattburg Bahnhof (Station Padborg)
Harrislee	Pattburg (Padborg)
Ellund Autobahn (BAB 7)	Fröslee (Frøslev)
Jardelund	Sophienthal (Sofiedal)
Weesby	Groß Jündewatt (St. Jynde vad)
Neupepersmark	Alt Peppersmark (Pebersmark)
Westre	Grünhof (Grøngård)
Böglum	Seth (Sæd)
Süderlügum Bahnhof	Tondern (Tønder)
Aventoft	Møllehus
Rosenkranz	Rüttebüll (Rudbøl)
Rodenäs	Hoger (Højer)

### GERMANY – POLAND

- Designation of border crossing points  
on the German side

- Designation of border crossing points  
on the Polish side

Ahlbeck	Swinemünde (Świnoujście)
Linken	Neu Lienken (Lubieszyn)
Grambow Bahnhof	Scheune (Szczecin-Gumieńce)

Pomellen Autobahn (BAB 11)	Kolbitzow (Kolbaskowo)
Tantow Bahnhof	Scheune (Szczecin-Gumieńce)
Rosow	Rosow (Rosowek)
Mescherin	Greifenhagen (Gryfino)
Gartz	Fiddichow (Widuchowa)
Schwedt	Nieder Kränig (Krajnik Dolny)
Hohensaaten-Hafen	Niederwutzen (Osinów Dolny)
Hohenwutzen	Niederwutzen (Osinów Dolny)
Küstrin-Kietz	Küstrin (Kostrzyn)
Küstrin-Kietz Bahnhof	Küstrin (Kostrzyn)
Frankfurt/Oder Hafen	Ślubice
Frankfurt/Oder Straße	Ślubice
Frankfurt/Oder Bahnhof	Kunersdorf (Kunowice)
Frankfurt/Oder Autobahn (BAB 12)	Schwetig (Świecko)
Eisenhüttenstadt	Mühlow (Miłów)
Guben Straße	Guben (Gubin)
Guben Bahnhof	Guben (Gubin)
Forst Bahnhof	Forst (Zasieki)
Forst Autobahn (BAB 15)	Erlenholz (Olszyna)
Bad Muskau	Muskau (Mużaków)
Podrosche	Priebus (Przewoz)
Horka Bahnhof	Nieder Bielau (Bielawa Dolna)
Ludwigsdorf Autobahn	Hennersdorf (Jedrychowice)
Görlitz Straße	Görlitz (Zgorzelec)
Görlitz Bahnhof	Görlitz (Zgorzelec)
Ostriz	Ostriz-Bahnhof (Krzewina Zgorzelecka)



Zittau Chopin-Straße	Kleinschönau (Sieniawka)
Zittau-Friedensstraße	Poritsch (Porajow)

### GERMANY – CZECH REPUBLIC

- Designation of border crossing points on the German side      Designation of border crossing points on the Czech side

Zittau Bahnhof	Grottau an der Neiße (Hrádek n.N.)
Seifhennersdorf (Nordstraße)	Rumburg (Rumbuk)
Seifhennersdorf	Warnsdorf (Varnsdorf)
Neugersdorf	Georgswalde (Jiřikov)
Ebersbach Bahnhof	Rumburg (Rumburk)
Sebniz	Niedereinsiedel (Dolni Poustevna)
Schmilka	Herrnskretsch (Hřensko)
Bad Schandau Bahnhof	Tetschen (Děčín)
Schöna	Herrnskretsch (Hřensko)
Bahratal	Peterswald (Petrovice)
Zinnwald	Zinnwald (Cinovec)
Neurehefeld	Moldava (Moldau)
Reitzenhain	Sebastiansberg (Hora Sv. Šebestiána)
Bärenstein (Eisenbahn)	Weipert (Vejprty)
Bärenstein	Weipert (Vejprty)
Oberwiesenthal	Gottesgab (Boži Dar)
Johanngeorgenstadt Bahnhof	Breitenbach (Potučky)
Johanngeorgenstadt	Breitenbach (Potučky)
Klingenthal	Graslitz (Kraslice)
Bad Brambach Bahnhof	Voitersreuth (Vojtanov)
Schönberg	Voitersreuth (Vojtanov)

Bad Elster	Grün (Doubrava)
Selb	Asch (Aš)
Selb-Plößberg Bahnhof	Asch (Aš)
Schirnding Cheb/Eger Bahnhof	Eger (Cheb)
Schirnding	Mühlbach (Pomezí)
Waldsassen	Heiligenkreuz (Svatý Kříž)
Mähring	Promenhof (Broumov)
Bärnau	Paulusbrunn (Pavlov Studenec)
Waidhaus (B 14)	Roßhaupt (Rozvadov)
Waidhaus Autobahn (BAB 6)	Roßhaupt (Rozvadov)
Eslarn	Eisendorf (Železná)
Waldmünchen	Haselbach (Lisková)
Furth im Wald Schafberg	Vollmau (Folmava)
Furth im Wald Bahnhof	Böhmisch Kubitzten (Česká Kubice)
Eschlkam	Neumark (Všeruby)
Neukirchen b. Hl. Blut	St. Katharina (Sverá Katerina)
Bayerisch Eisenstein	Markt Eisenstein (Železná Ruda)
Bayerisch Eisenstein Bahnhof	Markt Eisenstein (Železná Ruda)
Philippsreuth	Kuschwarda (Strážný)
Haidmühle	Tusset (Stožek)

#### GERMANY – SWITZERLAND

- Designation of border crossing points  
on the German side

- Designation of border crossing points  
on the Swiss side

Konstanz-Klein Venedig	Kreuzlingen-Seestraße
Konstanz-Schweizer Personenbahnhof	Konstanz Personenbahnhof

Konstanz-Wiesenstraße	Kreuzlingen-Wiesenstraße
Konstanz-Kreuzlinger Tor	Kreuzlingen
Konstanz-Emmishofer Tor	Kreuzlingen-Emmishofer
Konstanz-Paradieser Tor	Tägerwilen
Gaienhofen	Steckborn
Hemmenhofen	Steckborn
Wangen	Mammern
Öhningen-Oberstaad	Stein am Rhein
Öhningen	Stein am Rhein
Rielasingen Bahnhof	Ramsen Bahnhof
Singen Bahnhof	Schaffhausen
Rielasingen	Ramsen-Grenze
Gasthof "Spießhof" an der B 34	Gasthof "Spiesshof"
Gottmadingen	Buch-Grenze
Murbach	Buch-Dorf
Gailingen-Ost	Ramsen-Dorf
Gailingen-Brücke	Diessenhofen
Gailingen-West	Dörflingen-Pünt und Dörflingen-Laag
Randegg	Neu Dörflingen
Bietingen	Thayngen Straße
Thayngen Bahnhof	Thayngen Bahnhof
Ebringen	Thayngen-Ebringer Straße
Schlatt am Randen	Thayngen-Schlatt
Büßlingen	Hofen
Wiechs-Dorf	Altdorf
Wiechs-Schlauch	Merishausen

Neuhaus-Randen	Bargen
Fützen	Beggingen
Stühlingen	Schleitheim
Eberfingen	Hallau
Eggingen	Wunderklingen
Erzingen	Trasadingen
Erzingen Bahnhof	Trasadingen Bahnhof
Weisweil	Wilchingen
Jestetten-Wangental	Osterfingen
Jestetten-Hardt	Neuhausen
Jestetten Bahnhof	Neuhausen Bahnhof
Altenburg-Rheinau Bahnhof	Neuhausen Bahnhof
Altenburg-Nohl	Nohl
Altenburg-Rheinbrücke	Rheinau
Nack	Rüdlingen
Lottstetten	Rafz-Solgen
Lottstetten-Dorf	Rafz-Grenze
Lottstetten Bahnhof	Rafz Bahhof
Baltersweil	Rafz-Schluchenberg
Dettighofen	Buchenloh
Bühl	Will-Grenze
Günzgen	Wasterkingen
Herdern	Rheinsfelden
Rötteln	Kaiserstuhl
Reckingen	Rekingen
Rheinheim	Zurzach-Burg

Waldshut Bahnhof	Koblenz
Waldshut-Rheinbrücke	Koblenz
Waldshut-Rheinfähre	Juppen / Full
Dogern	Leibstadt
Albbruck	Schwaderloch
Laufenburg	Laufenburg
Bad Säckingen-alte Rheinbrücke	Stein / Holzbrücke
Bad Säckingen	Stein
Rheinfelden	Rheinfelden
Grenzacherhorn	Riehen-Grenzacher Straße
Inzlingen	Riehen-Inzlinger Straße
Lörrach-Wiesentalbahn	Riehen Bahnhof
Lörrach-Stetten	Riehen
Lörrach-Wiesenuferweg	Riehen-Weilstraße
Weil-Ost	Riehen-Weilstraße
Basel Badischer Personenbahnhof	Basel Badischer Bahnhof
Basel Badischer Rangierbahnhof	Basel Badischer Rangierbahnhof im Weil am Rhein
Weil-Otterbach	Basel-Freiburger Straße
Weil-Friedlingen	Basel-Hiltalinger Straße
Weil am Rhein-Autobahn (BAB 5)	Basel

#### **PORTS ON LAKE CONSTANCE (*BODENSEE*)**

Lindau-Städtischer Segelhafen

Lindau-Hafen

Bad Schachen

Wasserburg (Bodensee)

Langenargen  
Friedrichshafen-Hafen  
Meersburg  
Überlingen  
Mainau  
Konstanz-Hafen  
Insel Reichenau  
Radolfzell

#### **PORTS ON THE RHINE**

Rheinfelden-Rheinhafen  
Wyhlen (Wyhlen GmbH)  
Grenzach (Fa. Geigy)  
Grenzach (Fa. Hoffmann La Roche AG)  
Weil-Schiffsanlegestelle  
Weil-Rheinhafen

#### **PORTS ON THE NORTH SEA**

List/Sylt  
Hörnum/Sylt  
Dagebüll  
Wyk/Föhr  
Wittdün/Amrum  
Pellworm  
Strucklahnungshörn/Nordstrand  
Süderhafen/Nordstrand  
Husum  
Friedrichstadt

Tönning  
Büsum  
Meldorfer Hafen  
Friedrichskoog  
Helgoland  
Itzehoe  
Wewelsfleth  
Brunsbüttel  
Glückstadt  
Elmshorn  
Uetersen  
Wedel  
Hamburg  
Hamburg-Neuenfelde  
Buxtehude  
Stade  
Stadersand  
Bützflether Sand  
Otterndorf  
Cuxhaven  
Bremerhaven  
Bremen  
Lemwerder  
Elsfleth  
Brake  
Großensiel  
Nordenham

Fedderwardersiel

Eckwarderhörne

Varel

Wilhelmshaven

Hooksiel

Horumersiel

Carolinensiel (Harlesiel)

Neuharlingersiel

Bensersiel

Westeraccumersiel

Norddeich

Greetsiel

Wangerooge

Spiekeroog

Langeoog

Baltrum

Norderney

Juist

Borkum

Emden

Leer

Weener

Papenburg

Herbrum

## **BALTIC PORTS**

Flensburg-Hafen

Flensburg-Mürwik (Hafenanlage der Bundesmarine)



Glücksburg  
Langballigau  
Quern-Neukirchen  
Gelting  
Maasholm  
Schleimünde  
Kappeln  
Olpenitz (Hafenanlage der Bundesmarine)  
Schleswig  
Ostseebad Damp  
Eckernförde  
Eckernförde (Hafenanlage der Bundesmarine)  
Surendorf (Hafenanlagen der Bundesmarine)  
Rendsburg  
Strande  
Schilksee  
Kiel-Holtenau  
Kiel  
Mölnort/Heikendorf  
Jägersberg (Hafenanlagen der Bundesmarine)  
Laboe  
Orth  
Puttgarden Bahnhof  
Puttgarden  
Burgstaaken  
Heiligenhafen  
Großenbrode (Hafenanlagen der Bundesmarine)

Grömitz

Neustadt (Hafenanlagen der Bundesmarine)

Niendorf

Lübeck-Travemünde

Lübeck

Timmendorf

Wolgast

Wismar

Warnemünde

Rostock Überseehafen

Stralsund

Libben

Bock

Saßnitz

Ruden

Greifswald – Ladebow Hafen

Kamminke

Ahlbeck Seebrücke

**ODERHAFF**

Anklam Hafen

Karnin

Ueckermünde

Altwarp Hafen

*Airports, aerodromes, air fields*

**IN THE FEDERAL STATE OF SCHLESWIG-HOLSTEIN**

Eggebek

Flensburg-Schäferhaus

Helgoland-Düne

Hohn

Itzehoe-Hungriger Wolf

Kiel-Holtenau

Lübeck-Blankensee

Schleswig/Jagel

Westerland/Sylt

Wyk/Föhr

**IN THE FEDERAL STATE OF MECKLENBURG – WESTERN POMERANIA**

Barth

Heringsdorf

Neubrandenburg-Trollenhagen

Rostock-Laage

**IN THE FEDERAL STATE OF HAMBURG**

Hamburg

**IN THE FEDERAL STATE OF BREMEN**

Bremen

Bremerhaven-Luneort

**IN THE FEDERAL STATE OF LOWER SAXONY**

Borkum

Braunschweig-Waggum

Bückebug-Achum

Celle

Damme/Dümmer-See

Diepholz

Emden

Faßberg

Ganderkesee

Hannover

Jever

Nordhorn-Lingen

Leer-Papenburg

Lemwerder, Werksflughafen der Weser-Flugzeugbau GmbH Bremen

Norderney

Nordholz

Osnabrück-Atterheide

Peine-Eddersee

Wangerooge

Wilhelmshaven-Mariensiel

Wittmundhafen

Wunstorf

**IN THE FEDERAL STATE OF BRANDENBURG**

Cottbus-Drewitz

Cottbus-Neuhausen

Kyritz

Nauen

Neuhausen

Schönhagen

**IN THE FEDERAL STATE OF BERLIN**

Tegel

Tempelhof

Schönefeld

**IN THE FEDERAL STATE OF NORTH RHINE-WESTPHALIA**

Aachen-Merzbrück

Arnsberg  
Bielefeld-Windelsbleiche  
Bonn-Hardthöhe  
Dahlemer Binz  
Dortmund-Wickede  
Düsseldorf  
Essen-Mülheim  
Hangelar  
Hopsten  
Köln/Bonn  
Marl/Loemühle  
Meinerzhagen  
Mönchengladbach  
Münster-Osnabrück  
Nörvenich  
Paderborn-Lippstadt  
Porta Westfalica  
Rheine-Bentlage  
Siegerland  
Stadtlohn-Wenningfeld

**IN THE FEDERAL STATE OF SAXONY**

Dresden  
Leipzig-Halle  
Rothenburg/Oberlausitz

**IN THE FEDERAL STATE OF THURINGIA**

Erfurt

**IN THE FEDERAL STATE OF RHINELAND-PALATINATE**

Büchel

Föhren

Koblenz-Winningen

Mendig

Pferdsfeld

Pirmasens-Zweibrücken

Speyer

Worms-Bürgerweide-West

**IN THE FEDERAL STATE OF SAARLAND**

Saarbrücken-Ensheim

Saarlouis/Düren

**IN THE FEDERAL STATE OF HESSE**

Egelsbach

Allendorf/Eder

Frankfurt/Main

Fritzlar

Kassel-Calden

Reichelsheim

**IN THE FEDERAL STATE OF BADEN-WÜRTTEMBERG**

Aalen-Heidenheim-Elchingen

Baden Airport Karlsruhe Baden-Baden

Baden-Baden-Oos

Donaueschingen-Villingen

Freiburg/Brg.

Friedrichshafen-Löwentl

Heubach (Krs. Schwäb.Gmünd)

Karlsruhe Forchheim

Konstanz

Laupheim

Leutkirch-Unterzeil

Mannheim-Neuostheim

Mengen

Mosbach-Lohrbach

Niederstetten

Offenburg

Schwäbisch Hall

Stuttgart

**IN THE FEDERAL STATE OF BAVARIA**

Aschaffenburg

Augsburg-Mühlhausen

Bayreuth-Bindlakeher Berg

Coburg-Brandebsteinebene

Eggenfelden/Niederbayern

Erding

Fürstenfeldbruck

Hassfurth-Mainwiesen

Herzogenaurach

Hof-Pirk

Ingolstadt

Kempten-Durach

Landsberg/Lech

Landshut-Ellermühle

Lechfeld

Leipheim

Memmingen

München "Franz Joseph Strauß"

Neuburg

Nürnberg

Oberpfaffenhofen, Werkflugplatz der Dornier-Werke GmbH

Passau-Vilshofen

Roth

Rothenburg o.d. Tauber

Straubing-Wallmühle

Weiden/Opf.

Würzburg am Schenkenturm



## ESTONIA

### ESTONIA – LATVIA

#### *Land borders*

1. Holdre – Omuļi
2. Ikla – Ainaži
3. Jäärja – Ramata
4. Lilli – Unguriņi
5. Mõisaküla – Ipiķi
6. Murati – Veclaicene
7. Valga – Lugaži (railway)
8. Valga 1 – Valka 2
9. Valga 2 – Valka 3
10. Valga 3 – Valka 1
11. Vana-Ikla – Ainaži (Ikla)
12. Vastse-Roosa – Ape

### ESTONIA – RUSSIAN FEDERATION

#### *Land borders*

1. Koidula – Kunitšina- Gora
2. Luhamaa – Šumilkino
3. Narva – Jaanilinn (Ivangorod) (railway)
4. Narva-1 – Jaanilinn (Ivangorod)
5. Narva-2 – Jaanilinn (Ivangorod)
6. Orava – Petseri (railway)
7. Saatse – Krupa

#### *Sea borders*

1. Dirhami

2. Haapsalu
3. Heltermaa
4. Kuivastu
5. Kunda
6. Lehtma
7. Lohusalu
8. Loksa
9. Miiduranna
10. Mõntu
11. Muuga
12. Narva-Jõesuu
13. Nasva
14. Paldiski-1
15. Paldiski-2
16. Pärnu-2
17. Pärnu-3
18. Rohuküla
19. Roomassaare
20. Ruhnu
21. Sõru
22. Tallinna-2
23. Tallinna-3
24. Tallinna-4
25. Tallinna-5
26. Tallinna-6
27. Tallinna-7
28. Tallinna-8

29. Tallinna-9
30. Tallinna-10
31. Tallinna-11
32. Tallinna-12
33. Veere
34. Vergi
35. Virtsu

*Air borders*

1. Ämari (non-public military airport, not open to civil aircraft)
2. Kärkla
3. Kuressaare
4. Pärnu-1
5. Tallinna-1
6. Tallinna-13
7. Tartu-1

## GREECE

### ΕΝΑΕΡΙΑ ΣΥΝΟΡΑ

1. ΑΘΗΝΑ
2. ΗΡΑΚΛΕΙΟ
3. ΘΕΣΣΑΛΟΝΙΚΗ
4. ΡΟΔΟΣ
5. ΚΕΡΚΥΡΑ
6. ΑΝΤΙΜΑΧΕΙΑ ΚΩ
7. ΧΑΝΙΑ
8. ΠΥΘΑΓΟΡΕΙΟ ΣΑΜΟΥ
9. ΜΥΤΙΛΗΝΗ
10. ΙΩΑΝΝΙΝΑ
11. ΑΡΑΞΟΣ\*
12. ΣΗΤΕΙΑ
13. ΧΙΟΣ\*
14. ΑΡΓΟΣΤΟΛΙ
15. ΚΑΛΑΜΑΤΑ
16. ΚΑΒΑΛΑ
17. ΑΚΤΙΟ ΒΟΝΙΤΣΑΣ
18. ΜΗΛΟΣ \*
19. ΖΑΚΥΝΘΟΣ
20. ΘΗΡΑ
21. ΣΚΙΑΘΟΣ
22. ΚΑΡΠΑΘΟΣ\*
23. ΜΥΚΟΝΟΣ
24. ΑΛΕΞΑΝΔΡΟΥΠΟΛΗ

### AIRPORTS

- ATHINA
- IRAKLIO
- THESSALONIKI
- RODOS (RHODES)
- KERKIRA (CORFU)
- ANDIMAHIA (KOS)
- HANIA
- PITHAGORIO, SAMOS
- MITILINI
- IOANNINA
- ARAHOS\*
- SITIA
- HIOS\*
- ARGOSTOLI
- KALAMATA
- KAVALA
- AKTIO VONITSAS
- MILOS \*
- ZAKINTHOS
- THIRA
- SKIATHOS
- KARPATOS\*
- MIKONOS
- ALEXANDROUPOLI

25.	ΕΛΕΥΣΙΝΑ	ELEFSINA
26.	ΑΝΔΡΑΒΙΔΑ	ANDRAVIDA
27.	ΑΤΣΙΚΗ ΛΗΜΝΟΥ	ATSIKI, LIMNOS
28.	ΚΑΣΤΟΡΙΑ	KASTORIA

\*Note: The airports at Arahos, Hios, Karpathos and Milos are unauthorised border crossing points. These are exclusively operational during the summer period.

ΘΑΛΑΣΣΙΑ ΣΥΝΟΡΑ

PORTS

1.	ΓΥΘΕΙΟ	GITHIO
2.	ΣΥΡΟΣ	SIROS
3.	ΗΓΟΥΜΕΝΙΤΣΑ	IGOUMENITSA
4.	ΣΤΥΛΙΔΑ	STILIDA
5.	ΑΓΙΟΣ ΝΙΚΟΛΑΟΣ	AGIOS NIKOLAOS
6.	ΡΕΘΥΜΝΟ	RETHIMNO
7.	ΛΕΥΚΑΔΑ	LEFKADA
8.	ΣΑΜΟΣ	SAMOS
9.	ΒΟΛΟΣ	VOLOS
10.	ΚΩΣ	KOS
11.	ΔΑΦΝΗ ΑΓΙΟΥ ΟΡΟΥΣ	DAFNI, AGIO OROS
12.	ΙΒΗΡΑ ΑΓΙΟ ΟΡΟΥΣ	IVIRA, AGIO OROS
13.	ΓΕΡΑΚΙΝΗ	GERAKINI
14.	ΓΛΥΦΑΔΑ	GLIFADA
15.	ΠΡΕΒΕΖΑ	PREVEZA
16.	ΠΑΤΡΑ	PATRA
17.	ΚΕΡΚΥΡΑ	KERKIRA
18.	ΣΗΤΕΙΑ	SITIA
19.	ΧΙΟΣ	HIOS
20.	ΑΡΓΟΣΤΟΛΙ	ARGOSTOLI

21.	ΘΕΣΣΑΛΟΝΙΚΗ	THESSALONIKI
22.	ΚΟΡΙΝΘΟΣ	KORINTHOS
23.	ΚΑΛΑΜΑΤΑ	KALAMATA
24.	ΚΑΒΑΛΑ	KAVALA
25.	ΘΑΚΗ	ITHAKI
26.	ΠΥΛΟΣ	PILOS
27.	ΠΥΘΑΓΟΡΕΙΟ ΣΑΜΟΥ	PITHAGORIO, SAMOS
28.	ΛΑΥΡΙΟ	LAVRIO
29.	ΗΡΑΚΛΕΙΟ	IRAKLIO
30.	ΣΑΜΗ ΚΕΦΑΛΛΗΝΙΑΣ	SAMI, KEFALONIA
31.	ΠΕΙΡΑΙΑΣ	PIREAS
32.	ΜΗΛΟΣ	MILOS
33.	ΚΑΤΑΚΩΛΟ	KATAKOLO
34.	ΣΟΥΔΑ ΧΑΝΙΩΝ	SOUDA, HANIA
35.	ΙΤΕΑ	ITEA
36.	ΕΛΕΥΣΙΝΑ	ELEFSINA
37.	ΜΥΚΟΝΟΣ	MIKONOS
38.	ΝΑΥΠΛΙΟ	NAFPLIO
39.	ΧΑΛΚΙΔΑ	HALKIDA
40.	ΡΟΔΟΣ	RODOS
41.	ΖΑΚΥΝΘΟΣ	ZAKINTHOS
42.	ΘΗΡΑ	THIRA
43.	ΚΑΛΟΙ ΛΙΜΕΝΕΣ ΗΡΑΚΛΕΙΟΥ	KALI LIMENES, IRAKLIO
44.	ΜΥΡΙΝΑ ΛΗΜΝΟΥ	MYRINA, LIMNOS
45.	ΠΑΞΟΙ	PAXI
46.	ΣΚΙΑΘΟΣ	SKIATHOS
47.	ΑΛΕΞΑΝΔΡΟΥΠΟΛΗ	ALEXANDROUPOLI

48.	ΑΙΓΙΟ	EGIO
49.	ΠΑΤΜΟΣ	PATMOS
50.	ΣΥΜΗ	SIMI
51.	ΜΥΤΙΛΗΝΗ	MITILINI
52.	ΧΑΝΙΑ	HANIA
53.	ΑΣΤΑΚΟΣ	ASTAKOS

ΧΕΡΣΑΙΑ ΣΥΝΟΡΑ

LAND BORDERS

ΧΕΡΣΑΙΑ ΣΥΝΟΡΑ ΜΕ ΤΗΝ ΑΛΒΑΝΙΑ

WITH ALBANIA

1.	ΚΑΚΑΒΙΑ	1.	KAKAVIA
2.	ΚΡΥΣΤΑΛΛΟΠΗΓΗ	2.	KRISTALOPIGI
3.	ΜΕΡΤΖΑΝΗ	3.	MERTZANI

ΧΕΡΣΑΙΑ ΣΥΝΟΡΑ FYROM

WITH FYROM

1.	ΝΙΚΗ	1.	NIKI
2.	ΕΙΔΟΜΕΝΗ (ΣΙΔΗΡΟΔΡΟΜΙΚΟ)	2.	IDOMENI (RAIL)
3.	ΕΥΖΩΝΟΙ	3.	EVZONI
4.	ΔΟΙΡΑΝΗ	4.	DOIRANI

ΧΕΡΣΑΙΑ ΣΥΝΟΡΑ ΜΕ ΤΗ ΒΟΥΛΓΑΡΙΑ

WITH BULGARIA

1.	ΠΡΟΜΑΧΩΝΑΣ	1.	PROMAHONAS
2.	ΠΡΟΜΑΧΩΝΑΣ (ΣΙΔΗΡΟΔΡΟΜΙΚΟ)	2.	PROMAHONAS (RAIL)
3.	ΔΙΚΑΙΑ (ΣΙΔΗΡΟΔΡΟΜΙΚΟ)	3.	DIKEA, EVROS (RAIL)
4.	ΟΡΜΕΝΙΟ	4.	ORMENIO, EVROS

ΧΕΡΣΑΙΑ ΣΥΝΟΡΑ ΜΕ ΤΗΝ ΤΟΥΡΚΙΑ

WITH TURKEY

1.	ΚΑΣΤΑΝΙΕΣ ΕΒΡΟΥ	1.	KASTANIES, EVROS
2.	ΠΥΘΙΟΥ (ΣΙΔΗΡΟΔΡΟΜΙΚΟ)	2.	PITHIO (RAIL)
3.	ΚΗΠΟΙ ΕΒΡΟΥ	3.	KIPI, EVROS

## SPAIN

### *Air borders*

Madrid-Barajas

Barcelona

Gran Canaria

Palma de Mallorca

Alicante

Ibiza

Málaga

Sevilla

Tenerife South

Valencia

Almería

Asturias

Bilbao

Fuerteventura

Gerona

Granada

Lanzarote

La Palma

Menorca

Santander

Santiago

Vitoria

Zaragoza

Pamplona



Jerez de la Frontera

Valladolid

Reus

Vigo

La Coruña

Murcia

*Sea borders*

Algeciras (Cádiz)

Alicante

Almería

Arrecife (Lanzarote)

Avilés (Asturias)

Barcelona

Bilbao

Cádiz

Cartagena (Murcia)

Castellón

Ceuta

Ferrol (La Coruña)

Gijón

Huelva

Ibiza

La Coruña

La Línea de la Concepción

La Luz (Las Palmas)

Mahón

Málaga

Melilla

Motril (Granada)

Palma de Mallorca

Sagunto (Provincia de Valencia)

San Sebastian

Santa Cruz de Tenerife

Santander

Sevilla

Tarragona

Valencia

Vigo

*Land borders*

Ceuta

Melilla

La Seo de Urgel

La Línea de la Concepción (\*)

(\*) The customs post and police checkpoint at "La Línea de la Concepción" does not correspond to the outline of the border as recognised by Spain in the Treaty of Utrecht.

## FRANCE

### *Air borders*

- (1) Abbeville
- (2) Agen-la Garenne
- (3) Ajaccio-Campo dell'Oro
- (4) Albi-le Séquestre
- (5) Amiens-Glisy
- (6) Angers-Marcé
- (7) Angoulême-Brie-Champniers
- (8) Annecy-Methet
- (9) Annemasse
- (10) Auxerre-Branches
- (11) Avignon-Caumont
- (12) Bâle-Mulhouse
- (13) Bastia-Poretta
- (14) Beauvais-Tillé
- (15) Bergerac-Roumanièrè
- (16) Besançon-la Vèze
- (17) Béziers-Vias
- (18) Biarritz-Bayonne-Anglet
- (19) Bordeaux-Mérignac
- (20) Bourges
- (21) Brest-Guipavas
- (22) Caen-Carpiquet
- (23) Cahors-Lalbenque
- (24) Calais-Dunkerque

- (25) Calvi-Sainte-Catherine
- (26) Cannes-Mandelieu
- (27) Carcassonne-Salvaza
- (28) Castres-Mazamet
- (29) Châlons-Vatry
- (30) Chambéry-Aix-les-Bains
- (31) Charleville-Mézières
- (32) Châteauroux-Déols
- (33) Cherbourg-Mauperthus
- (34) Clermont-Ferrand-Aulnat
- (35) Colmar-Houssen
- (36) Courchevel
- (37) Deauville-Saint-Gatien
- (38) Dieppe-Saint-Aubin
- (39) Dijon-Longvic
- (40) Dinard-Pleurtuit
- (41) Dôle-Tavaux
- (42) Epinal-Mirecourt
- (43) Figari-Sud Corse
- (44) Cap-Tallard
- (45) Genève-Cointrin
- (46) Granville
- (47) Grenoble-Saint-Geoirs
- (48) Hyères-le Palivestre
- (49) Issy-les-Moulineaux
- (50) La Môle
- (51) Lannion

- (52) La Rochelle-Laleu
- (53) Laval-Entrammes
- (54) Le Castelet
- (55) Le Havre-Octeville
- (56) Le Mans-Arnage
- (57) Le Touquet-Paris-Plage
- (58) Lille-Lesquin
- (59) Limoges-Bellegarde
- (60) Lognes-Emerainville
- (61) Lorient-Lann-Bihoué
- (62) Lyon-Bron
- (63) Lyon-Saint-Exupéry
- (64) Marseille-Provence
- (65) Meaux-Esbly
- (66) Megève
- (67) Metz-Nancy-Lorraine
- (68) Monaco-Héliport
- (69) Montbéliard-Courcelles
- (70) Montpellier-Fréjorgues
- (71) Morlaix-Ploujean
- (72) Nancy-Essey
- (73) Nantes-Atlantique
- (74) Nevers-Fourchambault
- (75) Nice-Côte d'Azur
- (76) Nîmes-Garons
- (77) Orléans-Bricy
- (78) Orléans-Saint-Denis-de-l'Hôtel

- (79) Paris-Charles de Gaulle
- (80) Paris-le Bourget
- (81) Paris-Orly
- (82) Pau-Pyrénées
- (83) Périgueux-Bassillac
- (84) Perpignan-Rivesaltes
- (85) Poitiers-Biard
- (86) Pontarlier
- (87) Pontoise-Cormeilles-en-Vexin
- (88) Quimper-Pluguffan
- (89) Reims-Champagne
- (90) Rennes Saint-Jacques
- (91) Roanne-Renaison
- (92) Rodez-Marcillac
- (93) Rouen-Vallée de Seine
- (94) Saint-Brieuc-Armor
- (95) Saint-Etienne-Bouthéon
- (96) Saint-Nazaire-Montoir
- (97) Saint-Yan
- (98) Strasbourg-Entzheim
- (99) Tarbes-Ossun-Lourdes
- (100) Toulouse-Blagnac
- (101) Tours-Saint-Symphorien
- (102) Toussus-le-Noble
- (103) Troyes-Barbère
- (104) Valence-Chabeuil
- (105) Valenciennes-Denain

- (106) Vannes-Meucon
- (107) Vesoul-Frotey
- (108) Vichy-Charmeil

*Sea borders*

- (1) Agde
- (2) Ajaccio
- (3) Anglet
- (4) Arcachon
- (5) Bastia
- (6) Bayonne
- (7) Beaulieu-sur-Mer
- (8) Biarritz
- (9) Bonifacio
- (10) Bordeaux
- (11) Boulogne
- (12) Brest
- (13) Caen-Ouistreham
- (14) Calais
- (15) Calvi
- (16) Camaret
- (17) Cannes-Vieux Port
- (18) Cap-d'Agde
- (19) Carry-le-Rouet
- (20) Carteret
- (21) Cassis
- (22) Cherbourg
- (23) Ciboure

- (24) Concarneau
- (25) Dieppe
- (26) Dunkirk
- (27) Fécamp
- (28) Golfe-Juan
- (29) Granville
- (30) Groix
- (31) Gruissan
- (32) Hendaye
- (33) Honfleur
- (34) La Rochelle-La Pallice
- (35) La Turballe
- (36) Le Croisic
- (37) Le Guilvinec
- (38) Le Havre
- (39) Le Palais
- (40) Les Sables-d'Olonne-Port
- (41) Le Touquet-Etaples
- (42) Le Tréport
- (43) Leucate
- (44) L'Ile-Rousse
- (45) Lorient
- (46) Macinaggio
- (47) Mandelieu-la Napoule
- (48) Marseille
- (49) Monaco-Port de la Condamine
- (50) Morlaix



- (51) Nantes-Saint-Nazaire
- (52) Nice
- (53) Noirmoutier
- (54) Paimpol
- (55) Pornic
- (56) Port-Camargue
- (57) Port-de-Bouc-Fos/Port-Saint-Louis
- (58) Port-en-Bessin
- (59) Port-la-Nouvelle
- (60) Porto-Vecchio
- (61) Port-Vendres
- (62) Propriano
- (63) Quimper
- (64) Roscoff
- (65) Rouen
- (66) Royan
- (67) Saint-Brieuc (maritime)
- (68) Saint-Cyprien
- (69) Saint-Florent
- (70) Saint-Gilles-Croix-de-Vie
- (71) Saint-Malo
- (72) Saint-Valéry-en-Caux
- (73) Sète
- (74) Toulon
- (75) Valras
- (76) Villefranche-sur-Mer
- (77) Villeneuve-Loubet

\* **With SWITZERLAND**

- (1) Abbevillers road
- (2) Bâle-Mulhouse airport (pedestrian walkway between areas)
- (3) Bois-d'Amont
- (4) Chatel
- (5) Col France
- (6) Delle road
- (7) Divonne-les-Bains
- (8) Ferney-Voltaire
- (9) Ferrières-sous-Jougne
- (10) Genève-Cornavin station
- (11) Goumois
- (12) Hegenheim-Allschwill
- (13) Huningue road
- (14) La Cheminée road
- (15) La Cure
- (16) Les Fourgs
- (17) Les Verrières road
- (18) Leymen-Benken
- (19) Moëllesulaz
- (20) Mouthe road
- (21) Pfetterhouse
- (22) Pontarlier-station
- (23) Poste autoroute Saint-Julien-Bardonnex (motorway post)
- (24) Pougny
- (25) Prévessin

- (26) Saint-Gingolph
- (27) Saint-Julien-Perly
- (28) Saint-Louis motorway
- (29) Saint-Louis-Bâle-rail freight station
- (30) Saint-Louis-Lysbuchel
- (31) Vallard-Thonex
- (32) Vallorbe (international trains)
- (33) Vallorcine
- (34) Veigy

\* **With the UNITED KINGDOM:**

(cross-Channel fixed link)

- (1) Gare de Paris-Nord (station)/London Waterloo Station/Ashford International Station
- (2) Gare de Lille-Europe (station)/London Waterloo Station/Ashford International Station
- (3) Cheriton/Coquelles
- (4) Gare de Fréthun (station)/London Waterloo Station/Ashford International Station
- (5) Gare de Chessy-Marne-la-Vallée (station)
- (6) Gare d'Avignon-Centre (station)

\* **With ANDORRA**

- Pas de la Case

## ITALY

### *Air borders*

–	Alessandria	Polizia di Stato
–	Alghero (SS)	Polizia di Stato
–	Ancona	Polizia di Stato
–	Aosta	Polizia di Stato
–	Bari	Polizia di Stato
–	Bergamo	Polizia di Stato
–	Biella	Polizia di Stato
–	Bologna	Polizia di Stato
–	Bolzano	Polizia di Stato
–	Brescia	Polizia di Stato
–	Brindisi	Polizia di Stato
–	Cagliari	Polizia di Stato
–	Catania	Polizia di Stato
–	Crotone	Polizia di Stato
–	Cuneo	Polizia di Stato
–	Firenze	Polizia di Stato
–	Foggia	Polizia di Stato
–	Forli	Polizia di Stato
–	Genova	Polizia di Stato
–	Grosseto	Polizia di Stato
–	Lamezia Terme (CZ)	Polizia di Stato
–	Lampedusa (AG)	Carabinieri
–	Lecce	Polizia di Stato
–	Marina di Campo (LI)	Carabinieri

– Milano Linate	Polizia di Stato
– Napoli	Polizia di Stato
– Noviligure	Carabinieri
– Olbia	Polizia di Stato
– Oristano	Polizia di Stato
– Padova	Polizia di Stato
– Palermo	Polizia di Stato
– Pantelleria (TP)	Carabinieri
– Para	Polizia di Stato
– Perugia	Polizia di Stato
– Pescara	Polizia di Stato
– Pisa	Polizia di Stato
– Reggio di Calabria	Polizia di Stato
– Rimini	Polizia di Stato
– Roma Ciampino	Polizia di Stato
– Roma Fiumicino	Polizia di Stato
– Roma Urbe	Polizia di Stato
– Ronchi dei Legionari (GO)	Polizia di Stato
– Salerno	Polizia di Stato
– Siena	Polizia di Stato
– Taranto-Grottaglie	Polizia di Stato
– Torino	Polizia di Stato
– Trapani	Polizia di Stato
– Tortoli (NU)	Polizia di Stato
– Treviso	Polizia di Stato
– Varese Malpensa	Polizia di Stato
– Venezia	Polizia di Stato

- Verona Polizia di Stato
- Villanova d'Albenga (SV) Carabinieri

*Sea borders*

- Alassio (SV) Polizia di Stato
- Alghero (SS) Polizia di Stato
- Ancona Polizia di Stato
- Anzio – Nettuno (RM) Polizia di Stato
- Augusta (SR) Polizia di Stato
- Barcoli (NA) Carabinieri
- Bari Polizia di Stato
- Barletta (BA) Polizia di Stato
- Brindisi Polizia di Stato
- Cagliari Polizia di Stato
- Campo nell'Elba (LI) Carabinieri
- Caorle (VE) Carabinieri
- Capraia Isola (LI) Carabinieri
- Capri (NA) Polizia di Stato
- Carbonia (CA) Polizia di Stato
- Castellammare di Stabia (NA) Polizia di Stato
- Castellammare del Golfo (TP) Polizia di Stato
- Catania Polizia di Stato
- Chioggia (VE) Polizia di Stato
- Civitavecchia (RM) Polizia di Stato
- Crotone Polizia di Stato
- Duino Aurisina (TS) Polizia di Stato
- Finale Ligure (SV) Carabinieri
- Fiumicino (RM) Polizia di Stato

– Formia (LT)	Polizia di Stato
– Gaeta (LT)	Polizia di Stato
– Gallipoli (LE)	Polizia di Stato
– Gela (CL)	Polizia di Stato
– Genova	Polizia di Stato
– Gioia Tauro (RC)	Polizia di Stato
– Grado (GO)	Polizia di Stato
– Ischia (NA)	Polizia di Stato
– La Maddalena (SS)	Carabinieri
– La Spezia	Polizia di Stato
– Lampedusa (AG)	Polizia di Stato
– Lerici (SP)	Carabinieri
– Levanto (SP)	Carabinieri
– Licata (AG)	Polizia di Stato
– Lignano (VE)	Carabinieri
– Lipari (ME)	Carabinieri
– Livorno	Polizia di Stato
– Loano (SV)	Carabinieri
– Manfredonia (FG)	Polizia di Stato
– Marciana Marina (LI)	Carabinieri
– Marina di Carrara (MS)	Polizia di Stato
– Marsala (TP)	Polizia di Stato
– Mazara del Vallo (TP)	Polizia di Stato
– Messina	Polizia di Stato
– Milazzo (ME)	Polizia di Stato
– Molfetta (BA)	Carabinieri
– Monfalcone (GO)	Polizia di Stato

– Monopoli (BA)	Carabinieri
– Napoli	Polizia di Stato
– Olbia (SS)	Polizia di Stato
– Oneglia (IM)	Polizia di Stato
– Oristano	Polizia di Stato
– Ortona (CH)	Carabinieri
– Otranto (LE)	Polizia di Stato
– Palau (SS)	Polizia di Stato
– Palermo	Polizia di Stato
– Pantelleria (TP)	Carabinieri
– Pesaro	Polizia di Stato
– Pescara	Polizia di Stato
– Piombino (LI)	Polizia di Stato
– Porto Azzurro (LI)	Carabinieri
– Porto Cervo (SS)	Polizia di Stato
– Porto Empedocle (AG)	Polizia di Stato
– Porto Ferraio (LI)	Polizia di Stato
– Porto Nogaro (UD)	Carabinieri
– Porto Tolle (RO)	Polizia di Stato
– Porto Torres (SS)	Polizia di Stato
– Porto Venere (SV)	Carabinieri
– Portofino (IM)	Carabinieri
– Pozzalo (RG)	Carabinieri
– Pozzuoli (NA)	Polizia di Stato
– Rapallo (GE)	Polizia di Stato
– Ravenna	Polizia di Stato
– Reggio di Calabria	Polizia di Stato



– Rimini	Polizia di Stato
– Rio Marina (LI)	Carabinieri
– Riposto (CT)	Carabinieri
– Santa Margherita Ligure (GE)	Carabinieri
– San Remo (IM)	Polizia di Stato
– Santa Teresa di Gallura (SS)	Polizia di Stato
– San Benedetto del Tronto (AP)	Polizia di Stato
– Salerno	Polizia di Stato
– Savona	Polizia di Stato
– Siracusa	Polizia di Stato
– Sorrento (NA)	Polizia di Stato
– Taormina (ME)	Polizia di Stato
– Taranto	Polizia di Stato
– Termini Imerese (PA)	Polizia di Stato
– Terracina (LT)	Polizia di Stato
– Torre Annunziata (NA)	Polizia di Stato
– Tortolì (NU)	Polizia di Stato
– Torviscosa (UD)	Carabinieri
– Trapani	Polizia di Stato
– Trieste	Polizia di Stato
– Varazze (SV)	Carabinieri
– Vasto (CH)	Polizia di Stato
– Venezia	Polizia di Stato
– Viareggio (LU)	Polizia di Stato
– Vibo Valentia Marina (VV)	Polizia di Stato

*Land borders*

**WITH SWITZERLAND**

- |   |                    |
|---|--------------------|
| – Bellavista di Clivio (VA), Category 2 | Guardia di Finanza |
| – Biegno Indemini (VA), Category 1      | Guardia di Finanza |
| – Bizzarone (CO), Category 1            | Polizia di Stato   |
| – Brogeda (CO), Category 1 trade        | Guardia di Finanza |
| – Brogeda (CO), Category 1 tourism      | Polizia di Stato   |
| – Chiasso (CO), Category 1 rail         | Polizia di Stato   |
| – Col G.S. Bernardo (AO), Category 1    | Carabinieri        |
| – Col Menoure (AO), Category 1          | Guardia di Finanza |
| – Cremenaga (VA), Category 1            | Carabinieri        |
| – Crociale dei Mulini (CO), Category 2  | Guardia di Finanza |
| – Domodossola (VB), Category 1          | Polizia di Stato   |
| – Drezzo (CO), Category 2               | Guardia di Finanza |
| – Forcola di Livigno (SO), Category 1   | Carabinieri        |
| – Fornasette (VA), Category 1           | Carabinieri        |
| – Gaggiolo (VA), Category 1             | Carabinieri        |
| – Iselle (VB), Category 1 rail          | Polizia di Stato   |
| – Luino (VA), Category 1 rail           | Polizia di Stato   |
| – Luino (VA), Category 1 lake           | Polizia di Stato   |
| – Maslianico (CO), Category 1           | Polizia di Stato   |
| – Monte Bianco (AO), Category 1         | Polizia di Stato   |
| – Monte Moro (VB), Category 1           | Guardia di Finanza |
| – Monte Spluga (SO), Category 1         | Carabinieri        |
| – Oria Val Solda (CO), Category 1       | Carabinieri        |
| – Oria Val Solda (CO), Category 1 lake  | Carabinieri        |
| – Paglino (VB), Category 1              | Polizia di Stato   |

– Palone (VA), Category 1	Guardia di Finanza
– Passo S. Giacomo (VB), Category 1	Guardia di Finanza
– Piaggio Valmara (VB), Category 1	Carabinieri
– Piattamala (SO), Category 1	Polizia di Stato
– Pino Lago Maggiore (VA), Category 1 rail	Polizia di Stato
– Plan Maison (AO), Category 1	Carabinieri
– Plateau Rosa (AO), Category 1	Carabinieri
– Ponte Chiasso (CO), Category 1	Polizia di Stato
– Ponte del Gallo (SO), Category 1	Carabinieri
– Ponte Ribellasca (VB), Category 1 rail	Polizia di Stato
– Ponte Ribellasca (VB), Category 1	Polizia di Stato
– Ponte Tresa (VA), Category 1 lake and road	Polizia di Stato
– Porto Ceresio (VA), Category 1 lake and road	Polizia di Stato
– Ronago (CO), Category 2	Guardia di Finanza
– Saltrio (VA), Category 2	Guardia di Finanza
– S. Margherita di Stabio (CO), Category 1	Polizia di Stato
– S. Maria dello Stelvio (SO), Category 1	Guardia di Finanza
– S. Pietro di Clivio (VA), Category 2	Guardia di Finanza
– Tirano (SO), Category 1 rail	Polizia di Stato
– Traforo G.S. Bernardo (AO), Category 1	Polizia di Stato
– Tubre (BZ), Category 1	Polizia di Stato
– Valmara di Lanzo (CO), Category 1	Carabinieri
– Villa di Chiavenna (SO), Category 1	Carabinieri
– Zenna (VA), Category 1	Carabinieri

**WITH SLOVENIA**

– Basovizza (TS), Category 1	Carabinieri
– Castelletto Versa (GO), Category 2	Guardia di Finanza

– Chiampore (TS), Category 2	Carabinieri
– Devetachi (GO), Category 2	Guardia di Finanza
– Ferneti (TS), Category 1	Polizia di Stato
– Fusine Laghi (UD), Category 1	Carabinieri
– Gorizia, Category 1 rail	Polizia di Stato
– Gorizia Casa Rossa, Category 1	Polizia di Stato
– Gorizia S. Gabriele, Category 2	Guardia di Finanza
– Gorizia S. Pietro, Category 2	Guardia di Finanza
– Gorizia Via Rafut, Category 2	Guardia di Finanza
– Jamiano (GO), Category 2	Guardia di Finanza
– Merna (GO), Category 2	Guardia di Finanza
– Mernico (GO), Category 2	Guardia di Finanza
– Molino Vecchio (UD)	Guardia di Finanza
– Monrupino (TS), Category 2	Guardia di Finanza
– Noghere (TS), Category 2	Guardia di Finanza
– Passo Predil (UD), Category 1	Carabinieri
– Pese (TS), Category 1	Polizia di Stato
– Plessiva (GO), Category 2	Guardia di Finanza
– Polava di Cepletischis (UD), Category 2	Guardia di Finanza
– Ponte Vittorio, Category 2	Guardia di Finanza
– Prebenico Caresana (TS), Category 2	Guardia di Finanza
– Rabuiese (TS), Category 1	Polizia di Stato
– Robedischis (UD), Category 2	Guardia di Finanza
– Salcano (GO), Category 2	Guardia di Finanza
– S. Andrea (GO), Category 1	Polizia di Stato
– S. Barbara (TS), Category 2	Polizia di Stato
– S. Bartolomeo (TS), Category 1	Carabinieri

- S. Floriano (GO), Category 2 Guardia di Finanza
- S. Pelagio (TS), Category 2 Carabinieri
- S. Servolo (TS), Category 2 Guardia di Finanza
- Stupizza (UD), Category 1 Guardia di Finanza
- Vencò (GO), Category 1 Guardia di Finanza
- Villa Opicina (TS), Category 1 rail Polizia di Stato
- Uccia (UD), Category 1 Guardia di Finanza

N.B.: Category 2 crossing points are only used by border residents who are in possession of special documents for the purpose (“local border traffic”).

## CYPRUS

### *Sea borders*

Marina de Larnaka (Μαρίνα Λάρνακας)

Port de Larnaka (Λιμάνι Λάρνακας)

Vieux port de Lemesos (Παλαιό Λιμάνι Λεμεσού)

Port de Lemesos (Λιμάνι Λεμεσού)

Port de Pafos (Λιμάνι Πάφου)

Marina Agios Rafail (Μαρίνα Αγίου Ραφαήλ)

Port de Zygi (Λιμάνι Ζυγίου)

### *Air borders*

1. Aéroport international de Larnaka (Διεθνές αεροδρόμιο Λάρνακας)

2. Aéroport international de Pafos (Διεθνές αεροδρόμιο Πάφου)

## LATVIA

### LATVIA – RUSSIAN FEDERATION

#### *Land borders*

1. Aizgārša – Ļāmoni (Лямоны)
2. Bērziņi – Manuhnova (Манухново)
3. Grebņeva – Ubiļinka (Убылинка)
4. Kārsava – Skangaļi (Скангали) (railway)
5. Pededze – Bruniševa (Брунишево)
6. Punduri – Punduri (Пундури)
7. Terehova – Burački (Бурачки)
8. Vientuļi – Ludonka (Лудонка)
9. Zilupe – Posiņi (Посинь) (railway)

### LATVIA – BELARUS

#### *Land borders*

1. Indra – Bigosova (Бигосово) (railway)
2. Pāternieki – Grigorovščina (Григоровщина)
3. Silene – Urbani (Урбаны)

#### *Local border traffic*

1. Piedruja – Druja (Друя)
2. Meikšāni – Gavriļino (Гаврилино)
3. Vorzova – Ļipovka (Липовка)
4. Kaplava – Pļusi (Плюсы)

### LATVIA – ESTONIA

#### *Land borders*

1. Ainaži (Ikla) – Vana-Ikla
2. Ainaži – Ikla

3. Ape – Vastse-Roosa
4. Ipiķi – Mõisaküla
5. Lugaži – Valga (railway)
6. Omuļi – Holdre
7. Ramata – Jäärja
8. Unguriņi – Lilli
9. Valka 1 – Valga 3
10. Valka 2 – Valga 1
11. Valka 3 – Valga 2
12. Veclaicene – Murati

### **LATVIA – LITHUANIA**

#### *Land borders*

1. Adžūni – Žeimelis
2. Aizvīķi – Gēsalai
3. Aknīste – Juodupis
4. Brunava – Joneliai
5. Demene – Tilžē
6. Eglaine – Obeliai (railway)
7. Ezere – Buknaičiai
8. Grenctāle – Saločiai
9. Krievgali – Puodžiūnai
10. Kurcums – Turmantas (railway)
11. Laižuva – Laižuva
12. Lankuti – Lenkimai
13. Lukne – Luknė
14. Medumi – Smėlynė
15. Meitene – Joniškis (railway)



16. Meitene – Kalviai
17. Nereta – Suvainiškis
18. Piķeļmuiža - Pikeliai
19. Pilskalne - Kvetkai
20. Plūdoņi – Skuodas
21. Priedula – Klykoliai
22. Priekule – Skuodas (railway)
23. Rauda – Stelmužē
24. Reņģe – Mažeikiai (railway)
25. Rucava – Būtingė
26. Skaistkalne – Germaniškis
27. Subate – Obeliai
28. Vaiņode – Bugeniai (railway)
29. Vaiņode – Strēliškiai
30. Vītiņi – Vegeriai
31. Žagare – Žagarė
32. Zemgale – Turmantas

*Sea borders*

1. Lielupe
2. Liepāja
3. Mērsrags
4. Pāvilosta
5. Rīga
6. Roja
7. Salacgrīva
8. Skulte
9. Ventspils

*Air borders*

1. Daugavpils
2. Liepāja
3. Rīga
4. Ventspils

# LITHUANIA

## LITHUANIA – LATVIA

### *Land borders*

1. Bugeniai – Vaiņode (railway)
2. Buknaičiai – Ezere
3. Būtingė – Rucava
4. Germaniškis – Skaistkalne
5. Gėsalai – Aizvīķi
6. Joneliai – Brunava
7. Joniškis – Meitene (railway)
8. Juodupis – Aknīste
9. Kalviai – Meitene
10. Klykoliai – Priedula
11. Kvetkai – Pilskalne
12. Laižuva – Laižuva
13. Lenkimai – Lankuti
14. Luknė – Lukne
15. Mažeikiai – Reņģe (railway)
16. Obeliai – Eglaine (railway)
17. Obeliai – Subate
18. Pikeliai – Piķeļmuiža
19. Puodžiūnai – Krievgali
20. Saločiai – Grenctāle
21. Skuodas – Plūdoņi
22. Skuodas – Priekule (railway)
23. Smėlynė – Medumi

24. Stelmužė – Rauda
25. Strėlišķiai – Vaiņode
26. Suvainiškis – Nereta
27. Tilžė – Demene
28. Turmantas – Kurcums (railway)
29. Turmantas – Zemgale
30. Vegeriai – Vītiņi
31. Žagarė – Žagare
32. Žeimelis – Adžūni

## **LITHUANIA – BELARUS**

### *Land borders*

1. Adutiškis – Lentupis (railway)
2. Adutiškis – Moldevičiai
3. Adutiškis – Pastovys (railway)
4. Druskininkai – Pariečė (railway)
5. Eišiškės – Dotiškės
6. Gelednė – Lentupis (railway)
7. Kabeliai – Pariečė (railway)
8. Kapčiamiestis – Kadyš
9. Kena – Gudagojis (railway)
10. Krakūnai – Geranainys
11. Latežeris – Pariečė
12. Lavoriškės – Kotlovka
13. Medininkai – Kamenyj Log
14. Papelekis – Lentupis
15. Raigardas – Privalka
16. Šalčininkai – Benekainys

17. Stasylos – Benekainys (railway)
18. Šumskas – Loša
19. Tverečius – Vidžiai
20. Ureliai – Klevyčia

#### **LITHUANIA – POLAND**

##### *Land borders*

1. Kalvarija – Budzisko
2. Lazdijai – Ogrodniki (Aradninkai)
3. Mockava (Šeštokai) – Trakiszki (Trakiškės) (railway)

#### **LITHUANIA – RUSSIAN FEDERATION**

##### *Land borders*

1. Jurbarkas – Sovetsk (river)
2. Kybartai – Černyševskoje
3. Kybartai – Nesterov (railway)
4. Nida – Morskoje
5. Nida – Rybačyj (river)
6. Pagėgiai – Sovetsk (railway)
7. Panemunė – Sovetsk
8. Ramoniškiai – Pograničnyj
9. Rusnė – Sovetsk (river)

##### *Sea borders*

Klaipėda National Port, (Kuršių, Molo and Malkų border crossing points) and Būtingės Oil Terminal border crossing point.

##### *Air borders*

1. Aéroport de Kaunas
2. Aéroport de Palangos
3. Aéroport de Vilnius
4. Aéroport de Zoknių

## LUXEMBOURG

### *Air borders*

- Luxembourg

## HUNGARY

### HUNGARY – AUSTRIA

#### *Land borders*

1. Bozsok – Rechnitz
2. Bucsu – Schachendorf
3. Fertőd – Pamhagen
4. Fertőrákos – Mörbisch (port)
5. Fertőrákos – Mörbisch
6. Fertőújlak – Pamhagen (railway)
7. Hegyeshalom – Nickelsdorf
8. Hegyeshalom – Nickelsdorf (motorway)
9. Hegyeshalom (railway)
10. Jánossomorja – Andau
11. Kópháza – Deutschkreutz
12. Kőszeg – Rattensdorf
13. Rábafüzes – Heiligenkreutz
14. Sopron – Klingebach
15. Sopron (railway)
16. Szentgotthárd – Jennersdorf (railway)
17. Szentpéterfa – Eberau
18. Zsira – Lutzmannsburg

### HUNGARY – SLOVENIA

#### *Land borders*

1. Bajánsenye – Hodoš
2. Bajánsenye – Hodoš (railway)
3. Felsőszölnök – Martinje

4. Kétvölgy – Čepinci
5. Magyarszombatfa – Prosenjakovci
6. Nemesnép – Kobilje
7. Rédics – Dolga Vas
8. Tornyiszentmiklós – Pince

#### **HUNGARY – CROATIA**

##### *Land borders*

1. Barcs – Terezino Polje
2. Beremend – Baranjsko Petrovo Selo
3. Berzence – Gola
4. Drávaszabolcs – Donji Miholjac
5. Gyékényes – Koprivnica (railway)
6. Letenye – Goričan
7. Magyarboly – Beli Manastir
8. Mohács (port)
9. Murakeresztúr – Kotoriba (railway)
10. Udvar – Dubosevica

#### **HUNGARY-YUGOSLAVIA**

##### *Land borders*

1. Bácsalmás – Bajmok
2. Baja (river)
3. Hercegszántó – Bački Breg
4. Kelebia – Subotica (railway)
5. Rőszke II – Horgoš
6. Rőszke III – Horgoš (railway)
7. Szeged (river)
8. Szeged-Rőszke I – Horgoš (motorway)



9. Tiszasziget – Đala

10. Tompa – Kelebija

### **HUNGARY-ROMANIA**

#### *Land borders*

1. Ágerdómajor (Tiborszállás) – Carei (railway)

2. Ártánd – Borş

3. Battonya – Turnu

4. Biharkeresztes – Episcopia (railway)

5. Csengersima – Petea

6. Gyula – Vărşand

7. Kiszombor – Cenad

8. Kőtegyán – Salonta (railway)

9. Lőkösháza – Curtici (railway)

10. Méhkerék – Salonta

11. Nagylak – Nădlac

12. Nyirábrány – Valea Lui Mihai (railway)

13. Nyirábrány – Valea Lui Mihai/Barantău

### **HUNGARY-UKRAINE**

#### *Land borders*

1. Barabás – Kosyny

2. Beregsurány – Luzhanka

3. Eperjeske – Salovka (railway)

4. Lónya – Dzvinkove

5. Tiszabecs – Vylok

6. Záhony – Čop (railway)

7. Záhony – Čop (land)

### **HUNGARY-SLOVAKIA**

*Land borders*

1. Aggtelek – Domică
2. Balassagyarmat – Slovenské Ďarmoty
3. Bánréve – Kráľ
4. Bánréve – Lenártovce (railway)
5. Esztergom – Štúrovo
6. Győr – Gönyű (river – no corresponding point on Slovak side)
7. Győr-Vámosszabadi – Medveďov
8. Hidasnémeti – Čaña (railway)
9. Ipolytarnóc – Kalonda
10. Komárom – Komárno
11. Komárom – Komárno (railway)
12. Komárom – Komárno (river)
13. Letkés – Salka
14. Pácin – Veľký Kamenec
15. Parassapuszta – Šahy
16. Rajka – Čunovo
17. Rajka – Rusovce
18. Rajka – Rusovce (railway)
19. Salgótarján – Šiatorská Bukovinka
20. Sátoraljaújhely – Slovenské Nové Mesto
21. Sátoraljaújhely – Slovenské Nové Mesto (railway)
22. Somoskőújfalu – Fil'akovo (railway)
23. Szob – Štúrovo (railway)
24. Tornanádaska – Host'ovce
25. Tornyosnémeti – Milhost'

*Air borders*

1. Debrecen
2. Aéroport international de Ferihegy, Budapest
3. Sármellék'

## MALTA

### *Sea borders*

1. Mgarr Yacht Marina
2. Ta' Xbiex Yacht Marina
3. Valletta' Seaport

### *Air border*

1. Malta International Airport, Luqa

## THE NETHERLANDS

### *Air borders*

- Amsterdam Schiphol
- De Kooy
- Eindhoven
- Enschede Twente
- Groningen Eelde
- Lelystad
- Maastricht-Aachen
- Rotterdam
- Valkenburg (ZH)

### *Sea borders*

- Amsterdam Ijmond
- Delfzijl
- Den Helder
- Dordrecht
- Gent-Terneuzen
- Harlingen
- Hoek van Holland/Europoort
- Lauwersoog
- Moerdijk
- Rotterdam-Havens
- Scheveningen
- Vlissingen

## AUSTRIA

### *Airports and aerodromes*

<b>Airports</b>	Mayrhofen
Graz – Thalerhof	Micheldorf
Innsbruck – Kranebitten	Niederöblarn
Klagenfurt – Wörthersee	Nötsch im Gailtal
Linz – Hörsching	Ottenschlag
Salzburg – Maxglan	Pinkafeld
Wien – Schwechat	Punitz – Güssing
<b>Aerodromes</b>	Reutte – Höfen
Bad Kleinkirchheim	Ried – Kirchheim
Dobersberg	St. Andrä im Lavanttal
Eferding	St. Donat
Feldkirchen – Ossiacher See	St. Georgen am Ybbsfeld
Ferlach	St. Johann/Tirol
Ferlach – Glainach	Scharnstein
Freistadt	Schärding – Suben
Friesach – Hirt	Seitenstetten
Fürstenfeld	Spitzerberg
Gmunden	St. Pölten
Goldeck Talstation	Stockerau
Halleg	Trieben
Heliport Pongau	Villach
Hofkirchen	Völkermarkt
Hohenems – Dornbirn	Vöslau
Kapfenberg	Waidring

Kappl	Wattens
Kitzbühel	Weiz – Unterfladnitz
Krems – Langenlois	Wels
Kufstein – Langkampfen	Wiener Neudorf
Lanzen – Turnau	Wiener Neustadt/Ost
Leoben – Timmersdorf	Wietersdorf
Leopoldsdorf	Wolfsberg
Lienz – Nikolsdorf	Zell am See
Linz – Ost	Zeltweg
Mariazell	Zwatzhof (heliport)
Mauterndorf	

#### Ports

Ports on the Danube

Hainburg <sup>1</sup>

Wien – Praterkai <sup>1</sup>

Ports on Lake Constance

Hafen Bregenz <sup>2</sup>

Hafen Hard <sup>2</sup>

#### Land border with Switzerland (and Liechtenstein)

Martinsbruck

Schalkhof

Spiss

Zeblas

Fimberpaß

Bangs<sup>3</sup>

"Tschagguns"<sup>4</sup>

Koblach

Mäder

Hohenems

<sup>1</sup> Border crossing point on the Danube for passenger and freight traffic.

<sup>2</sup> Port on Lake Constance with no regular shipping traffic; only manned for excursion traffic.

<sup>3</sup> The Bangs border crossing point covers the border crossing points at Nofels-Egg, Gantensteinweg, Rainweg, Habererweg, Rheindammweg and Jägersteig-Felsbandweg.

<sup>4</sup> The name "Tschagguns" covers the border crossing points at Plankner Sattel, Saminatal, Kirchspitzen, Brandner Gletscher, Schesaplana, Tote Alpe, Bartümeljoch, Salarueljoch, Mattlerjoch, Sareiserjoch, Bettlerjoch, Schweizertor, Drusentor, Grünes Fürkele, Plaseggenpaß and Sarottlpaß.

Tisis	Lustenau – Schmitterbrücke
Feldkirch – Buchs (station)	Wiesenrain
Tosters	Lustenau
Nofels	St. Margarethen (station)
Nofels – Fresch	Höchst
Meiningen	Gaissau (including cycle path)

**Land border with the Czech Republic**

Plöckensteiner See – A. Stifter Denkmal	Grametten
Plöckensteiner See	Fratres
Guglwald	Oberthürna
Schöneben	Mitterretzbach
Weigetschlag	Hardegg
Summerau (station)	Kleinhaugsdorf
Wulowitz	Retz (station)
Pyhrbruck	Laa an der Thaya
Gmünd – Bahn (rail)	Drasenhofen
Gmünd – Böhmeil	Schrattenberg
Gmünd – Bleylebenstraße	Reinthal
Schlag	Hohenau (station)
Neunagelberg	

**Land border with Slovakia**

Hohenau – Brücke (bridge)	Kittsee
Marchegg (station)	Kittsee-Jarovec
Berg	

**Land border with Hungary**

Nickelsdorf – Hegyeshalom (station)	Deutschkreutz
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Nickelsdorf – Straße (road)	Rattersdorf
Nickelsdorf – Autobahn (motorway)	Geschriebenstein
Andau	Rechnitz
Pamhagen	Schachendorf
Pamhagen (station)	Eberau
Mörbisch am See	Heiligenkreuz im Lafnitztal
Klingensbach	Jennersdorf (station)
Sopron <sup>5</sup>	

**Land border with Slovenia**

Bonisdorf	Radlpaß
Tauka	Soboth
Kalch	Laaken
St. Anna	Hühnerkogel
Gruisla	Lavamünd
Pöltten	Leifling
Goritz	Grablach
Zelting	Bleiburg (station)
Sicheldorf	Raunjak
Bad Radkersburg	Petzen
Mureck	Luscha
Weitersfeld – Murfähre	Uschowa
Spielfeld – Autobahn (motorway)	Steiner Alpen
Spielfeld – Straße (road)	Paulitschsattel
Spielfeld (station)	Seebergsattel
Ehrenhausen	Koschuta

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<sup>5</sup> Sopron covers all the authorised crossing points at Wulkaprodersdorf-Sopron, Loipersbach-Sopron and Deutschkreutz-Sopron.

Berghausen

Sulztal

Langegg

Großwalz

Schloßberg

Arnfels

Oberhaag

St. Pongratzen

Loibltunnel

Loiblpass

Hochstuhl

Kahlkogel

Rosenbach (station)

Karawankentunnel

Mittagskogel

Wurzenpaß

## **POLAND**

### **POLAND – RUSSIAN FEDERATION**

#### *Land borders*

1. Bezledy – Bagrationowsk
2. Braniewo – Mamonowo (railway)
3. Głomno – Bagrationowsk (railway)
4. Gołdap – Gusiew
5. Gronowo – Mamonowo
6. Skandawa – Żeleznodorożnyj (railway)

### **POLAND - LITHUANIA**

#### *Land borders*

1. Budzisko – Kalvarija
2. Ogrodniki – Lazdijai
3. Trakiszki – Mockava (Šeštokai) (railway)

### **POLAND - BELARUS**

#### *Land borders*

1. Bobrowniki – Bierestowica
2. Czeremcha – Wysokolitowsk (railway)
3. Kukuryki – Kozłowiczy
4. Kuźnica – Bruzgi
5. Kuźnica – Grodno (railway)
6. Połowce – Pieszczatka
7. Siemianówka – Swisłocz (railway)
8. Sławatycze – Domaczewo
9. Terespol – Brześć
10. Terespol – Brześć (railway)

11. Zubki – Bierestowica (railway)

## **POLAND - UKRAINE**

### *Land borders*

1. Dorohusk – Jagodzin
2. Dorohusk – Jagodzin (railway)
3. Hrebenne – Rawa Ruska
4. Hrebenne – Rawa Ruska (railway)
5. Hrubieszów – Włodzimierz Wołyński (railway)
6. Korczowa – Krakowiec
7. Krościenko – Chyrow (railway)
8. Krościenko – Smolnica
9. Medyka – Szeginie
10. Przemyśl – Mościska (railway)
11. Werchrata – Rawa Ruska (railway)
12. Zosin – Ustług

## **POLAND - SLOVAKIA**

### *Land borders*

1. Barwinek – Vyšný Komárnik
2. Chochołów – Suchá Hora
3. Chyżne – Trstená
4. Konieczna – Becherov
5. Korbielów – Oravská Polhora
6. Łupków – Palota (railway)
7. Łysa Polana – Tatranská Javorina
8. Muszyna – Plaveč (railway)
9. Niedzica – Lysá nad Dunajcom
10. Piwniczna – Mníšek nad Popradom

11. Ujsoly – Novot'
12. Winiarczykówka – Bobrov
13. Zwardoń – Skalité (railway)
14. Zwardoń-Myto – Skalité

*Local border traffic (\*) and tourist crossing points (\*\*)*

1. Babia Góra – Babia Hora\*\*
2. Balnica – Osadné\*\*
3. Blechnarka – Stebnická Huta\*\*
4. Bor – Oščadnica-Vreščovka\*\*
5. Czeremcha – Čertižné\*\*
6. Głuchaczki – Przełęcz Jałowiecka\*\*
7. Góra Magura – Oravice\*\*
8. Górka Gomółka – Skalité Serafinov\*\*
9. Jaśliska – Čertižné\*
10. Jaworki – Litmanová\*\*
11. Jaworki – Straňany\*\*
12. Jaworzynka – Cerne \*\*
13. Jurgów – Podspády\*
14. Kacwin – Veľká Franková\*/\*\*
15. Leluchów – Čirč\*/\*\*
16. Milik – Legnava\*
17. Muszynka – Kurov\*
18. Ozenna – Nižná Polianka\*/\*\*
19. Pilsko – Pilsko\*\*
20. Piwowarówka – Pil'hov\*
21. Przegibek – Vychylovka\*
22. Przełęcz Przysłop – Stará Bystrica\*\*

23. Przywarówka – Oravská Polhora\*\*
24. Radoszyce – Palota\*/\*\*
25. Roztoki Górne – Ruske Sedlo\*\*
26. Rycerka – Nova Bystrica\*
27. Rysy – Rysy\*\*
28. Sromowce Niżne – Červený Kláštor\*\*
29. Sromowce Wyżne – Lysá nad Dunajcom\*
30. Szczawnica – Lesnica znak graniczny II/91\*\*
31. Szczawnica – Lesnica znak graniczny II/94\*\*
32. Szlachtowa – Velký Lipník\*\*
33. Wielka Racza – Velká Rača\*\*
34. Wierchomla Wielka – Kače\*
35. Wysowa Zdrój – Cigeľka\*\*
36. Wysowa Zdrój – Regetowka\*\*
37. Zawoja-Czatoża – Oravská Polhora\*\*
38. Zwardoń – Skalité\*\*

#### **POLAND – CZECH REPUBLIC**

##### *Land borders*

1. Boboszów – Dolní Lipka
2. Bogatynia – Kunratice
3. Chałupki – Bohumín
4. Chałupki – Bohumín (railway)
5. Cieszyn – Český Těšín
6. Cieszyn – Český Těšín (railway)
7. Cieszyn – Chotěbuz
8. Czerniawa Zdrój – Nové Město p. Smrkem
9. Głuchołazy – Mikulovice

10. Głucholazy – Mikulovice (railway)
11. Golińsk – Starostín
12. Golkowice – Závada
13. Jakuszyce – Harrachov
14. Jasnowice – Bukovec
15. Konradów – Zlaté Hory
16. Kudowa Słone – Náchod
17. Leszna Górna – Horní Lištná
18. Lubawka – Královec
19. Lubawka – Královec (railway)
20. Marklowice Górne – Dolní Marklovice
21. Międzyzylesie – Lichkov (railway)
22. Mieroszów – Meziměstí (railway)
23. Miloszów – Srbská
24. Paczków – Bílý Potok
25. Pietraszyn – Sudice
26. Pietrowice – Krnov
27. Pomorzowiczki – Osoblaha
28. Porajów – Hrádek nad Nisou
29. Przełęcz Okraj – Pomezní Boudy
30. Tłumaczów – Otovice
31. Trzebina – Bartultovice
32. Zawidów – Frýdlant v Čechách (railway)
33. Zawidów – Habartice
34. Zebrzydowice – Petrovice u Karviné (railway)

*Local border traffic (\*) and tourist crossing points (\*\*)*

1. Beskidek – Beskydek\*

2. Bolesław – Pišť<sup>2\*</sup>
3. Borucin – Chuchelná\*
4. Branice – Úvalno\*
5. Brzozowie – Česká Čermná\*\*
6. Chałupki – Šilheřovice\*
7. Chomiąza – Chomýž\*
8. Czermna – Malá Čermná\*
9. Duszniki Zdrój – Olešnice v Orlických horách (Čihalka)\*\*
10. Dziewiętlice – Bernartice\*
11. Głuszyca Górna – Janovičky\*\*
12. Gorzyczki – Věřňovice\*
13. Gródczanki – Třebom\*
14. Jarnoštówek (Biskupia Kopa) – Zlaté Hory (Biskupská kupa)\*\*
15. Jaworzynka – Hřčava\*/\*\*
16. Jodłów – Horní Morava\*\*
17. Kaczyce Górne – Karviná Ráj II\*
18. Kałków – Vidnava\*
19. Kamieńczyk – Mladkov (Petrovičky)\*\*
20. Kietrz – Třebom\*
21. Krzanowice – Chuchelná\*
22. Krzanowice – Strahovice\*
23. Łączna – Zdoňov\*\*
24. Łaziska – Věřňovice\*
25. Lenarcice – Linhartovy\*
26. Lutogniewice – Andělka\*\*
27. Lutynia – Travná\*/\*\*
28. Mostowice – Orlické Záhoří\*



29. Niedomirów – Żaclér\*\*
30. Niemojóv – Bartošovice v Orlických horách\*/\*\*\*
31. Nowa Morawa – Staré Město\*/\*\*
32. Okrzeszyn – Petříkovice\*\*
33. Olza – Kopytov\*
34. Ostra Góra – Machovská Lhota\*\*
35. Owsiszczce – Pišť\*<sup>2</sup>\*
36. Pilszcz – Opava\*
37. Polana Jakuszycka – Harrachov\*\*
38. Przesieka – Špindlerův Mlýn\*\*
39. Puńców – Kojkovice\*
40. Radków – Bożanov\*\*
41. Równia pod Śnieżką – Luční bouda \*\*
42. Rudyszwałd – Hat\*<sup>2</sup>\*
43. Ściborzyce Wielkie – Hněvošice\*
44. Ściborzyce Wielkie – Rohov\*
45. Śląski Dom – Luční bouda \*\*
46. Sławniowice – Velké Kunětice\*
47. Śnieżnik – vrchol Kralického Sněžníku\*\*
48. Sowa Przełęcz – Soví sedlo (Jelenka)\*\*
49. Stóg Izerski – Smrk\*\*
50. Stožek – Malý Stožek\*
51. Stožek – Velký Stožek\*\*
52. Szrenica – Vosecká bouda (Tvarožník)\*\*
53. Tworków – Hat\*<sup>2</sup>\*
54. Wiechowice – Vávrovce\*
55. Wielka Czantorja – Nýdek\*\*

56. Zieleniec – Masarykova chata\*\*

57. Złoty Stok – Bílá Voda\*

## **POLAND – GERMANY**

### *Land borders*

1. Gryfino – Mescherin (river)
2. Gryfino – Mescherin
3. Gubin – Guben
4. Gubin – Guben (railway)
5. Gubinek – Guben
6. Jędrzychowice – Ludwigsdorf
7. Kołbaskowo – Pomellen
8. Kostrzyn – Kietz
9. Kostrzyn – Kietz (railway)
10. Krajnik Dolny – Schwedt
11. Krzewina Zgorzelecka – Ostritz
12. Kunowice – Frankfurt (railway)
13. Łęknica – Bad Muskau
14. Lubieszyn – Linken
15. Miłów – Eisenhüttenstadt (river)
16. Olszyna – Forst
17. Osinów Dolny – Hohensaaten (river)
18. Osinów Dolny – Hohenwutzen
19. Porajów – Zittau
20. Przewóz – Podrosche
21. Rosówek – Rosow
22. Sieniawka – Zittau
23. Słubice – Frankfurt

24. Słubice – Frankfurt (river)
25. Świecko – Frankfurt (motorway)
26. Świnoujście – Ahlbeck
27. Szczecin-Gumieńce – Grambow, Tantow (railway)
28. Węgliniec – Horka (railway)
29. Widuchowa – Gartz (river)
30. Zasieki – Forst
31. Zasieki – Forst (railway)
32. Zgorzelec – Görlitz
33. Zgorzelec – Görlitz (railway)

*Local border traffic*

1. Bobolin – Schwennenz
2. Buk – Blankensee

*Sea borders*

1. Darłowo
2. Dziwnów
3. Elbląg
4. Frombork
5. Gdańsk – Górkki Zachodnie
6. Gdańsk – Nowy Port
7. Gdańsk – Port Północny
8. Gdynia
9. Hel
10. Jastarnia
11. Kołobrzeg
12. Łeba
13. Mrzeżyno

14. Nowe Warpno
15. Świnoujście
16. Szczecin-Port
17. Trzebież
18. Ustka
19. Władysławowo

*Air borders*

1. Biała Podlaska
2. Bydgoszcz
3. Gdańsk – Rębiechowo
4. Jelenia Góra
5. Katowice – Pyrzowice
6. Kielce – Masłów
7. Kraków – Balice
8. Lubin
9. Łódź – Lublinek
10. Mielec
11. Poznań – Ławica
12. Rzeszów – Jasionka
13. Świdnik
14. Szczecin – Goleniów
15. Szymanyk – Szczytna
16. Warszawa – Babice
17. Warszawa – Okęcie
18. Wrocław – Strachowice
19. Zielona Góra – Babimost
20. Zielona Góra – Przylep

# PORTUGAL

*Sea borders*

## MAINLAND

- Aveiro
- C. das Freiras
- Cascais
- Doca dos Olivais – Lisboa
- Cais da Estiva Velha – Porto
- Faro
- Figueira da Foz
- Lagos
- Leixões
- Porto de Lisboa
- Marina de Vila Moura
- Nazaré
- Olhão
- Peniche
- Portimão
- Póvoa do Varzim
- S. Martinho do Porto
- Sesimbra
- Setúbal
- Sines
- Viana do Castelo

#### **AUTONOMOUS REGION OF MADEIRA**

- PF 208 – Funchal Port
- Porto Santo harbour – Island of Porto Santo

#### **AUTONOMOUS REGION OF THE AZORES**

- Angra do Heroísmo/Praia da Vitória harbour – Island of Terceira
- Ponta Delgada harbour – Island of S. Miguel
- Horta quay – Island of Faial

#### *Air borders*

#### **MAINLAND**

- Lisboa Airport
- Faro Airport
- Francisco Sá Carneiro Airport – Porto

#### **AUTONOMOUS REGION OF MADEIRA**

- Santa Catarina Airport – Island of Madeira
- Porto Santo Airport – Island of Porto Santo

#### **AUTONOMOUS REGION OF THE AZORES**

- Civilian air terminal of Lajes – Island of Terceira
- Santa Maria Airport – Island of Santa Maria
- Ponta Delgada Airport – Island of S. Miguel

## SLOVENIA

### SLOVENIA – ITALY

#### *Land borders*

1. Fernetiči – Ferneti
2. Kozina – Pesse
3. Lazaret – S. Bartolomeo
4. Lipica – Lipizza
5. Neblo – Venco
6. Nova Gorica – Casa Rossa
7. Nova Gorica – Gorizia (railway)
8. Predel – Passo del Predil
9. Rateče – Fusine Laghi
10. Robič – Stupizza
11. Sežana – Villa Opicina (railway)
12. Škofije – Rabuiese
13. Učeja – Ucea
14. Vrtojba – S. Andrea Vertoiba

#### *Local border traffic*

1. Britof – Mulino Vechio
2. Čampore – Chiampore
3. Golo Brdo – Mernico
4. Gorjansko – S. Pelagio
5. Hum – S. Floriano
6. Kaštelir – S. Barbara
7. Klariči – Iamiano
8. Livek – Polava di Cepletischis

9. Log pod Mangrtom – Cave del Predil
10. Lokvica – Devetacchi
11. Miren – Merna
12. Most na Nadiži – Ponte Vittorio
13. Nova Gorica I – S. Gabriele
14. Osp – Prebenico Caresana
15. Plavje – Noghera
16. Plešivo – Plessiva
17. Pristava – Rafut
18. Repentabor – Monrupino
19. Robidišče – Robedischis
20. Šempeter – Gorizia/S.Pietro
21. Socerb – S. Servolo
22. Solarji – Solarie di Drenchia
23. Solkan – Salcano I
24. Vipolže – Castelleto Versa

*Agricultural border crossing points*

1. Botač – Botazzo
2. Cerej – Muggia
3. Draga – S. Elia
4. Gročana – Grozzana
5. Gropada – Gropada
6. Jevšček – Monte Cau
7. Mavhinje – Malchina
8. Medana – Castelleto Zeglo
9. Mišček – Misceco
10. Opatje selo – Palichisce Micoli



11. Orlek – Orle
12. Podklanec – Ponte di Clinaz
13. Podsabotin – S. Valentino
14. Pri bajtarju – Scale di Grimacco
15. Šentmaver – Castel S.Mauro
16. Škrljevo – Scrio
17. Solkan Polje – Salcano II
18. Šturmi – Bocchetta di topolo
19. Valerišče – Uclanzi
20. Voglje – Vogliano
21. Zavarjan-Klobučarji – Zavian di Clabuzzaro

*Border crossing points according to special agreements*

1. Kanin: free access to the top of Kanin
2. Mangart: free access to the top of Mangart

#### **SLOVENIA - AUSTRIA**

*Land borders*

1. Duh na Ostrem vrhu – Grosswalz
2. Gederovci – Sieldorf
3. Gornja Radgona – Radkersburg
4. Holmec – Grablach
5. Jesenice – Rosenbach (railway)
6. Jezersko – Seebergsattel
7. Jurij – Langeegg
8. Karavanke – Karawankentunnel
9. Korensko sedlo – Wurzenpass
10. Kuzma – Bonisdorf
11. Libeliče – Leifling

12. Ljubelj – Loiblpass
13. Maribor – Spielfeld (railway)
14. Mežica – Raunjak
15. Pavličevo sedlo – Paulitschsattel
16. Prevalje – Bleiburg (railway)
17. Radlje – Radlpass
18. Šentilj – Spielfeld
19. Šentilj – Spielfeld (motorway)
20. Trate – Mureck
21. Vič/Dravograd – Lavamünd

*Local border traffic*

1. Cankova – Zelting
2. Fikšinci – Gruisla
3. Gerlinci – Poelten
4. Gradišče – Schlossberg
5. Kapla – Arnfels
6. Korovci – Goritz
7. Kramarovci – Sankt Anna
8. Matjaševci – Tauka
9. Muta – Soboth
10. Pernice – Laaken
11. Plač – Ehrenhausen
12. Remšnik – Oberhaag
13. Sladki Vrh – Weitersfeld
14. Sotina – Kalch
15. Špičnik – Sulztal
16. Svečina – Berghausen

### *Mountain crossing points*

1. Duh na Ostrem vrhu – Grosswalz: whole year
2. Golica – Kahlkogel: from April 15 until November 15
3. Gradišče – Schlossberg: from March 1 until November 30
4. Kamniške Alpe – Steiner Alpen: from April 15 until November 15
5. Kepa – Mittagskogel: from April 15 until November 15
6. Koprivna – Luscha: from April 15 until November 15
7. Košenjak – Huehnerkogel: from April 15 until November 15
8. Košuta – Koschuta: from April 15 until November 15
9. Olševa – Ushowa: from April 15 until November 15
10. Peč – Ofen: only during the traditional annual meeting of mountaineers
11. Peca – Petzen: from April 15 until November 15
12. Prelaz Ljubelj – Loiblpass: from April 15 until November 15
13. Radlje – Radlberg: from March 1 until November 30
14. Radlje – Radlpass: from March 1 until November 30
15. Remšnik – Remschnigg: from March 1 until November 30
16. Stol – Hochstuhl: from April 15 until November 15
17. Sv. Jernej – St. Bartholomäus: from March 1 until November 30
18. Tromeja – Dreiländereck: April 15 until November 15

### *Border crossing points according to special agreements*

1. Boundary stone X/331 – Schmirnberg – Langegg – transit of border is permitted for overnight stay in the mountain cottage "Dom škorpion"
2. Boundary stone XIV/266 – transit of border is permitted for religious ceremonies in the Church of St. Urban (every second Sunday in July and first Sunday in October from 9 am to 6 pm)
3. Boundary stone XXII/32 – transit of border is permitted for religious ceremonies in the Church of St. Leonhard (every second Sunday in August from 9 am to 6 pm)
4. Boundary stone XXIII/141 – transit of border is permitted for religious ceremonies in parishes Ebriach-Trögern and Jezersko (every second and penultimate Sunday in May from 9 am to 6 pm)

5. Boundary stone XXVII/277 – transit of border is permitted in the area Peč for the annual traditional meeting of mountaineers

6. Mountain border crossing points – (according to the Agreement between the Government of the Republic of Slovenia and the Republic of Austria on tourist traffic in the border area (INTERREG/PHARE – CBC – border area panorama path) – Uradni list RS MP.št. 11/2000):

1. Pernice – Laaken,
2. Radelca – Radlberg,
3. Špičnik – Šentilj,
4. Šentilj – Sladki vrh – Mureck,
5. Mureck – Bad Radkersburg,
6. River navigation on the Mur:
  - Trate – Gornja Radgona – Radenci,
  - Mureck – Bad Radkersburg.

#### **SLOVENIA – HUNGARY**

##### *Land borders*

1. Čepinci – Kétvölgy
2. Dolga vas – Rédics
3. Hodoš – Bajánsenye
4. Hodoš – Bajánsenye (railway)
5. Kobilje – Nemesnép
6. Martinje – Felsőszölnök
7. Pince – Tornyiszentmiklós
8. Prosenjakovci – Magyarszombatfa

#### **SLOVENIA – CROATIA**

##### *Land borders*

Babno Polje – Prezid

Bistrica ob Sotli – Razvor

Božakovo – Obrež

Brezovica pri Gradinu – Lucija  
Brezovica – Brezovica  
Dobova – Savski Marof (railway)  
Dobovec – Lupinjak  
Dragonja – Kaštel  
Drenovec – Gornja Voča  
Gibina – Bukovje  
Gruškovje – Macelj  
Hotiza – Sveti Martin na Muri  
Ilirska Bistrica – Šapjane (railway)  
Imeno – Kumrovec (railway)  
Imeno – Miljana  
Krasinec – Pravutina  
Krmačina – Vivodina  
Jelšane – Rupa  
Lendava – Čakovec (railway)  
Meje – Zlogonje  
Metlika – Jurovski brod  
Metlika – Kamanje (railway)  
Nova vas ob Sotli – Draše  
Novi Kot – Prezid I  
Novokračine – Lipa  
Obrežje – Bregana  
Orešje – Mihanović Dol  
Osilnica – Zamost  
Ormož – Otok Virje  
Petišovci – Mursko središče

Petrina – Brod na Kupi  
Planina v Podboču – Novo Selo Žumberačko  
Podčetrtek – Luke Poljanske  
Podgorje – Vodice  
Podplanina – Čabar  
Radovica – Kašt  
Rajnkovec – Mali Tabor  
Rakitovec – Buzet (railway)  
Rakitovec – Slum  
Rakovec – Kraj Donji  
Razkrižje – Banfi  
Rigonce – Harmica  
Rogatec – Đurmanec (railway)  
Rogatec – Hum na Sotli  
Rogatec I – Klenovec Humski  
Sečovelje – Plovanija  
Sedlarjevo – Plavić  
Slovenska vas – Bregana naselje  
Sočerga – Požane  
Sodevci – Blaževci  
Središče ob Dravi – Čakovec (railway)  
Središče ob Dravi – Trmovec  
Središče ob Dravi I – Preseka  
Stara vas/Bizeljsko – Donji Čemehovec  
Starod – Pasjak  
Starod I – Vele Mune  
Vinica – Pribanjci

Zavrč – Dubrava Križovljanska

Zg. Leskovec – Cvetlin

Žuniči – Prilišće

*Sea borders*

1. Izola – Isola (seasonal)
2. Koper – Capodistria
3. Piran – Pirano

*Air borders*

1. Ljubljana – Brnik
2. Maribor – Slivnica
3. Portorož – Portorose

# SLOVAKIA

## SLOVAKIA - AUSTRIA

### *Land borders*

1. Bratislava – Devínska Nová Ves – Marchegg (railway)
2. Bratislava port (river)
3. Bratislava, Jarovce – Kittsee
4. Bratislava, Jarovce – Kittsee (motorway)
5. Bratislava, Petržalka – Berg
6. Bratislava, Petržalka – Kittsee (railway)
7. Moravský Svätý Ján – Hohenau
8. Záhorská Ves – Angern (river)

## SLOVAKIA – CZECH REPUBLIC

### *Land borders*

1. Brodské (motorway) – Břeclav (motorway)
2. Brodské – Lanžhot
3. Čadca – Milošová -Šance
4. Čadca – Mosty u Jablunkova (railway)
5. Červený Kameň – Nedašova Lhota
6. Drietoma – Starý Hrozenkov
7. Holíč – Hodonín
8. Holíč – Hodonín (railway)
9. Horné Srnie – Brumov-Bylnice
10. Horné Srnie – Vlárský průsmyk (railway)
11. Klokočov – Bílá
12. Kúty – Lanžhot (railway)
13. Lúky pod Makytou – Horní Lideč (railway)



14. Lysá pod Makytou – Střelná
15. Makov – Bílá-Bumbálka
16. Makov – Velké Karlovice
17. Moravské Lieskové – Strání
18. Nová Bošáca – Březová
19. Skalica – Sudoměřice
20. Skalica – Sudoměřice (railway)
21. Svrčinovec – Mosty u Jablunkova
22. Vrbovce – Velká nad Veličkou
23. Vrbovce – Velká nad Veličkou (railway)

### **SLOVAKIA – POLAND**

#### *Land borders*

1. Becherov – Konieczna
2. Bobrov – Winiarczykówka
3. Lysá nad Dunajcom – Niedzica
4. Mníšek nad Popradom – Piwniczna
5. Novot' – Ujsoły
6. Oravská Polhora – Korbielów
7. Palota – Łupków (railway)
8. Plaveč – Muszyna (railway)
9. Skalité – Zwardoń (railway)
10. Skalité – Zwardoń-Myto
11. Suchá Hora – Chochołów
12. Tatranská Javorina – Łysa Polana
13. Trstená – Chyżne
14. Vyšný Komárnik – Barwinek

*Local border traffic (\*) and tourist crossing points (\*\*)*

1. Babia hora – Babia Góra\*\*
2. Čertižné – Jaśliska\*
3. Čertižné –Czeremcha\*\*
4. Červený Kláštor – Sromowce Niżne\*\*
5. Čierne – Jaworzynka\*\*
6. Cigeľka – Wysowa Zdrój\*\*
7. Čirč – Leluchów\*/\*\*
8. Gluchačky – Przełęcz Jałowiecka\*\*
9. Kače – Wierchomla Wielka\*
10. Kurov – Muszynka\*
11. Legnava – Milik\*
12. Lesnica znak graniczny II/91 – Szczawnica\*\*
13. Lesnica znak graniczny II/94 – Szczawnica\*\*
14. Litmanová – Jaworki\*\*
15. Lysá nad Dunajcom – Sromowce Wyżne\*
16. Nižná Polianka – Ożenna\*/\*\*
17. Nová Bystrica – Rycerka\*
18. Oravice – Góra Magura\*\*
19. Oravská Polhora – Przywarówka\*\*
20. Oravská Polhora – Zawoja-Czatoża\*\*
21. Osadné – Balnica\*\*
22. Oščadnica-Vrečšovka – Bor\*
23. Palota – Radoszyce\*/\*\*
24. Pilňov – Piwowarówka\*
25. Pilsko – Pilsko\*\*
26. Podspády – Jurgów\*
27. Regetovka – Wysowa Zdrój\*\*

28. Ruské Sedlo – Roztoki Górne\*\*
29. Rysy – Rysy\*\*
30. Skalité – Zwardoń\*\*
31. Skalité Serafinov – Górká Gomólka\*\*
32. Stará Bystrica – Przełęcz Przysłop\*\*
33. Stebnická Huta – Blechnarka\*\*
34. Straňany – Jaworki\*\*
35. Veľká Franková – Kacwin\*/\*\*
36. Veľká Rača – Wielka Racza\*\*
37. Veľký Lipník – Szlachtowa\*\*
38. Vychylovka – Przegibek\*

#### **SLOVAKIA – UKRAINE**

##### *Land borders*

1. Čierna nad Tisou – Čop (railway)
2. Ubfá – Malyj Bereznyj
3. Vyšné Nemecké – Užhorod

#### **SLOVAKIA – HUNGARY**

##### *Land borders*

1. Čaňa – Hidasnémeti (railway)
2. Čunovo (motorway) – Rajka
3. Dómica – Aggtelek
4. Fiľakovo – Somoskőújfalú (railway)
5. Host'ovce – Tornanádaska
6. Kalonda – Ipolytarnóc
7. Komárno – Komárom
8. Komárno – Komárom (railway)
9. Komárno – Komárom (river)

10. Král' – Bánréve
11. Lenartovce – Bánréve (railway)
12. Medveďov – Győr-Vámosszabadi
13. Milhost' – Tornyosnémeti
14. Rusovce – Rajka
15. Rusovce – Rajka (railway)
16. Šahy – Parassapuszta
17. Salka – Letkés
18. Šiatorská Bukovinka – Salgótarján
19. Slovenské Ďarmoty – Balassagyarmat
20. Slovenské Nové Mesto – Sátoraljaújhely
21. Slovenské Nové Mesto – Sátoraljaújhely (railway)
22. Štúrovo – Esztergom
23. Štúrovo – Szob (railway)
24. Veľký Kamenec – Pácin

*Ports*

Bratislava - prístav /port (river) (no corresponding border crossing point)

*Air borders*

1. Aéroport de Bratislava
2. Aéroport de Košice
3. Aéroport de Poprad

## FINLAND

### *Land borders*

Vaalimaa

Vainikkala (rail)

Nuijamaa

Niirala

Vartius

Raja-Jooseppi

Imatra\*

Kelloselkä\*

Kortesalmi\*

Kolmikanta\*

Uukuniemi\*

Valkeavaara\*

Ruhovaara\*

Haapavaara\*

Leminaho\*

Inari\*

Kokkojärvi\*

Kivipuro\*

Rajakangas\*

Karikangas\*

Karttimo\*

Kurvinen\*

Onkamo\*

Virtaniemi\*

**EXPLANATION:**

Border crossing points are based on the Agreement between the Government of the Republic of Finland and the Government of the Russian Federation on mutual border crossing points (Helsinki, 11 March 1994). Those marked with an asterisk are in only limited use in accordance with the Agreement and are kept open for traffic as the need arises. Traffic consists almost exclusively of timber freight. The majority of crossing points are closed most of the time.

*Airports*

Enontekiö

Helsinki – Malmi

Helsinki – Vantaa

Ivalo

Joensuu

Jyväskylä

Kajaani

Kemi – Tornio

Kittilä

Kruunupyy

Kuopio

Kuusamo

Lappeenranta

Maarianhamina

Mikkeli

Oulu

Pori

Rovaniemi

Savonlinna

Tampere – Pirkkala

Turku

Vaasa

Varkaus

*Sea borders*

*Harbour crossing points for commercial and fishing vessels*

Eckerö

Hamina

Hanko

Haukipudas

Helsinki

Inkoo

Kalajoki

Kaskinen (also for pleasure craft)

Kemi (also for pleasure craft)

Kokkola

Kotka

Kristiinankaupunki

Lappeenranta

Loviisa

Långnäs

Maarianhamina (also for pleasure craft)

Naantali

Nuijamaa (also for pleasure craft)

Oulu

Parainen

Pietarsaari (also for pleasure craft)

Pori (also for pleasure craft)

Porvoo

Raahe

Rauma (also for pleasure craft)

Tammisaari

Tornio

Turku

Uusikaupunki (also for pleasure craft)

Vaasa

*Coastguard stations operating as border crossing points for pleasure craft and seaplanes*

Bågaskär

Enskär

Glosholmen

Haapasaari

Hanko (also for seaplanes)

Hiittinen

Jussarö

Kalajoki

Kokkola

Kotka (also for seaplanes)

Kummelgrund

Kökar

Maarianhamina (also for seaplanes)

Mäntyluoto

Nauvo

Orregrund

Pirttisaari

Porkkala (also for seaplanes)

Raahe

Röyttä



Santio

Storklubb

Suomenlinna (also for seaplanes)

Susiluoto

Valassaaret

Vallgrund

Virpiniemi

## SWEDEN

Arlanda

Arvidsjaur

Borlänge

Gävle

Göteborg

Halmstad

Helsingborg

Härnösand

Jönköping

Kalmar

Karlshamn

Karlskrona

Karlstad

Kristianstad

Landskrona

Landvetter

Lidköping

Linköping

Luleå

Lysekil

Malmö

Marstrand

Mora

Norrköping

Nyköping

Nynäshamn  
Oxelösund  
Ronneby  
Sandhamn  
Simrishamn  
Slite  
Stockholm  
Strömstad  
Sundsvall  
Säffle  
Söderköping  
Södertälje  
Trelleborg  
Trollhättan  
Uddevalla  
Umeå  
Visby  
Västerås  
Växjö  
Ystad  
Örebro  
Örnsköldsvik  
Östersund

## ICELAND

### *Airports*

Akureyri

Egilsstaðir

Höfn

Keflavík

Reykjavík

### *Ports*

Akranes

Akureyri

Bolungarvík

Fáskrúðsfjörður

Fjarðarbyggð

Grindavík

Grundarfjörður

Grundartangi

Hafnarfjörður

Húsavík

Höfn

Ísafjörður

Patreksfjörður

Raufarhöfn

Reykjanesbær

Reykjavík

Sandgerði

Sauðárkrókur

Seyðisfjörður

Siglufjörður

Skagaströnd

Vestmannaeyjar

Vopnafjörður

Þorlákshöfn

Þórshöfn

## NORWAY

### AIRPORTS

Gardermoen  
Fagernes  
Geilo  
Sandefjord  
Skien  
Notodden  
Kristiansand  
Sola  
Haugesund  
Leirvik  
Bergen indre  
Ålesund  
Molde  
Kristiansund  
Ørland  
Røros  
Stjørdal  
Bodø  
Narvik  
Sortland  
Bardufoss  
Tromsø  
Alta  
Lakselv

### SEA BORDERS

Oslo  
Halden  
Sarpsborg  
Fredrikstad  
Hvaler  
Moss  
Follo  
Drammen  
Hurum  
Holmestrand  
Horten  
Tønsberg  
Sandefjord  
Larvik  
Skien  
Porsgrunn  
Kragere  
Arendal  
Grimstad  
Risør  
Kristiansand  
Farsund  
Flekkefjord  
Mandal

### LAND BORDERS

Storskog

Kirkenes

Egersund

Gjesdal

Hå

Sandnes

Sokndal

Rana

Sola

Stavanger

Haugesund

Tysvær

Odda

Lindås

Askøy

Sotra

Leirvik

Bergen indre

Høyanger

Årdalstangen

Florø

Måløy

Ålesund

Molde

Kristiansund

Ørland

Hummelvik

Orkanger

Trondheim  
Steinkjer  
Stjørdal  
Namsos  
Mosjøen  
Bodø  
Narvik  
Sortland  
Svolvær  
Gryllefjord  
Harstad  
Balsfjord  
Finnsnes  
Karlsøy  
Lyngen  
Skjervøy  
Tromsø  
Hammerfest  
Havøysund  
Honningsvåg  
Alta  
Båtsfjord  
Vardø  
Kjøllefjord  
Vadsø  
Kirkenes



**ANNEX II**  
**Documentary evidence establishing the likelihood of the reasons for entry**

1. The documentary evidence referred to in Article 5(2) is the following:

*a) for business trips:*

- an invitation from a firm or an authority to attend meetings or events connected with trade, industry or work;
- other documents which show the existence of trade relations or relations for work purposes;
- entry tickets for fairs and congresses.

*b) for journeys undertaken for the purposes of study or other types of training:*

- a certificate of enrolment at a teaching institute for the purposes of attending vocational and theoretical courses in the framework of basic and further training;
- student cards or certificates for the courses attended.

*c) for journeys undertaken for the purposes of tourism or for private reasons:*

- an invitation from the host;
- a supporting document from the establishment providing lodging;
- confirmation of the booking of an organised trip;
- a return or round-trip ticket.

*d) for the beneficiaries of local border traffic arrangements:*

- a certificate attesting residence in the border area, if this is not specified in the travel document;
- any document capable of justifying frequent crossing of the border for local border traffic purposes, such as certificates or attestations substantiating family ties, documents certifying ownership of a property over the border, etc.

*e) for journeys undertaken for another reason:*

- invitations, enrolments or programmes;
- attendance certificates, entry tickets, receipts, etc.,

for political, scientific, cultural, sports or religious events, stating wherever possible the name of the host organisation and the length of stay.

2. The presumption of sufficient means of subsistence for the purposes of Article 5(1) and (3) will be based, for example, on the cash, travellers' cheques, credit cards, and statements in respect of guarantees in the third-country national's possession. Documents stating that a

third-country national's expenses will be covered by a person residing lawfully in the Member State of destination may also constitute evidence of sufficient means of subsistence.

3. Where the travel insurance provided for by Article 5(1)(c) is not required, in accordance with Part V, point 1.4, second paragraph, third indent of the Common Consular Instructions, the exemption will be indicated in the national entries section of the visa sticker (“NO INSURANCE REQUIRED”).

**ANNEX III**  
**Reference amounts required for crossing borders fixed annually by the national authorities**

**BELGIUM**

Belgian law lays down general provisions for the verification of adequate means of subsistence, without stipulating any mandatory rules.

The administrative practice is as follows:

Aliens staying with a private person

Proof of means of subsistence may be furnished by means of a letter of guarantee signed by the person accommodating the alien in Belgium and authenticated by the local administrative authority of his place of residence.

The declaration of liability covers the costs of the alien's stay, health care, accommodation and repatriation, should the alien be unable to pay, so as to rule out payment by the public authorities. The declaration must be signed by a person who is solvent and, if this person is an alien, is in possession of a residence permit or settlement permit.

If necessary, the alien may also be required to furnish proof of personal resources.

If he has no financial credit whatsoever, he must be able to access at least € 38 for each day of the planned stay.

Aliens staying at a hotel

If the alien is unable to furnish proof of any credit whatsoever, he must be able to access at least approximately € 50 for each day of the planned stay.

Furthermore, in most cases, the person concerned must produce a ticket (air ticket) enabling him to return to his country of origin or residence.

**CZECH REPUBLIC**

Reference amounts are fixed by Act No. 326/1999 Sb. on Residence of Aliens in the Territory of the Czech Republic and Amendments of Some Acts.

According to Section 5 of the Act on Residence of Aliens in the Territory of the Czech Republic on the request of the Police, an alien shall be obliged to submit a document confirming that funds are available for his/her stay in the Territory (Section 13) or a certified invitation not older than 90 days from the date of its certification by the Police (Sections 15 and 180),

Section 13 provides the following:

"Funds to Cover the Stay in the Territory

- (1) Unless provided otherwise below, the following shall be submitted to prove the availability of funds for the stay in the Territory:

- (a) funds amounting at least to the following:
- 0,5 times the subsistence minimum set out under a special legal regulation as required to cover maintenance and other basic personal needs (hereinafter the "Subsistence Minimum for Personal Needs") per day of stay if the total period of stay is not to exceed 30 days,
  - 15 times the Subsistence Minimum for Personal Needs if the period of stay in the Territory is to exceed 30 days while this sum shall be increased to double the subsistence minimum for each whole month of expected stay in the Territory,
  - 50 times the Subsistence Minimum for Personal Needs in case of stay for the purposes of business activity the total period of which is to exceed 90 days, or
  - a document confirming the payment of services connected with the stay of the alien in the Territory or a document confirming that services will be provided free of charge.
- (2) Instead of funds as referred to in sub-section 1, the following may be used to prove the availability of funds for the stay in the Territory:
- (a) a bank account statement in the name of the alien confirming that the alien is free to use funds in the amount as referred to in sub-section 1 during his stay in the Czech Republic, or
  - (b) another document to certify that funds are available, such as a valid internationally recognised credit card.
- (3) An alien who will study in the Territory may submit, as proof of availability of funds for his stay, a commitment by a state authority or a legal entity to cover the stay of the alien by providing funds equivalent to the Subsistence Minimum for Personal Needs for 1 month of expected stay, or a document confirming that all costs related to his studies and stay shall be covered by the receiving organisation (school). If the sum referred to in the undertaking does not reach this amount, the alien shall be obliged to submit a document proving the ownership of funds equivalent to the difference between the Subsistence Minimum for Personal Needs and the amount of the commitment for the period of his expected stay, however, not more than 6 times the Subsistence Minimum for Personal Needs. Document on the provision of means for one's residence may be replaced by a decision or an agreement on the allocation of a grant acquired pursuant to an international treaty by which the Czech Republic is bound.
- (4) An alien who has not attained 18 years shall be obliged to prove the availability of funds for his stay pursuant to sub-section 1 equivalent to a half of the amount”.

and Section 15 provides the following:

“Invitation

In an invitation, the person inviting an alien shall undertake to cover the costs

- (a) related to the maintenance of the alien throughout his stay in the Territory until he leaves the Territory,
- (b) related to the accommodation of the alien throughout his stay in the Territory until he leaves the Territory,
- (c) related to the provision of healthcare to the alien throughout his stay in the Territory until he leaves the Territory, and the transfer of the alien when ill or of the remains of the deceased,
- (d) arising to the Police in connection with the alien staying in the Territory and leaving the Territory in case of administrative expulsion.”

### **DENMARK**

Under the Danish Aliens Law, an alien entering Danish territory must have adequate means for subsistence and for the return journey.

In practice it is for the border control authorities at the point of entry to assess whether this is the case on the basis of the economic situation of the alien, taking account of information on his possibilities with regard to accommodation and the return journey.

The administration has set a figure for adequate means of subsistence of, in principle, DKK 300 per 24 hours.

In addition, the alien must be able to prove that he has adequate means for the return journey, for example in the form of a return ticket.

### **GERMANY**

Pursuant to Article 60(2) of the Aliens Act of 9 July 1990 (AuslG), an alien may be refused entry at the border if there are grounds for expulsion.

This is the case if an alien is forced to claim or claims social welfare benefit from the German State for himself, for members of his family staying in German territory or for his dependants (Article 46(6) of the Aliens Act).

Reference amounts have not been fixed for the use of border control officials. In practice, an amount of € 25 per day is generally used as a basic reference. The alien must also have a return ticket or equivalent financial means.

Nevertheless, before the decision not to admit the alien is made, he must be granted the opportunity to produce, in good time and by legal means, the financial means necessary to secure his stay in German territory, namely by presenting:

- a legal guarantee from a German bank,
- a letter of guarantee from the host,
- a telegraphic money order, or
- a guarantee deposited with the immigration authorities dealing with his visit.

## **ESTONIA**

Under Estonian law, aliens arriving into Estonia without a letter of invitation, shall upon request by a border guard official upon entry into the country provide proof of sufficient monetary means to cover the costs of his/her stay in and departure from Estonia. Sufficient monetary means for each allowed day is considered to be 0,2 times the monthly minimum salary implemented by the Government of the Republic.

Otherwise the inviter shall assume responsibility for the costs of the alien's stay in and departure from Estonia.

## **GREECE**

Ministerial decree No 3011/2/1f of 11 January 1992 fixes the amount of the means of subsistence which foreign nationals – with the exception of nationals of the Member States of the European Community – must have at their disposal if they wish to enter Greek territory.

Pursuant to the abovementioned ministerial decree, the amount of foreign currency enabling foreign nationals of states other than Member States of the European Community to enter Greece is fixed at the equivalent of € 20 in foreign currency per person per day, and a minimum total amount of € 100.

The amount of foreign currency required per day is reduced by 50% for minors who are members of the alien's family.

Nationals of non-Community countries which oblige Greek nationals to change currency at their borders are subject to the same obligation in accordance with the principle of reciprocity.

## **SPAIN**

Aliens must prove that they have adequate means of subsistence. The minimum amount is given below:

- (a) for the costs of their stay in Spain:€ 30, or the equivalent in foreign currency, multiplied by the planned number of days of the stay in Spain and by the number of family members travelling with the person concerned. Regardless of the planned duration of the stay, the minimum amount for which he must provide proof must always be € 300 per person.
- (b) for their return to the State of provenance or for transit via third States: the personal, non-transferable and fixed-date ticket or tickets for the planned means of transport.

Aliens must prove that they have the above means of subsistence either by producing them if they are in cash, or by producing certified cheques, traveller's cheques, receipts, letters of credit or a bank certificate confirming the existence of these means. Failing these documents, any other supporting documents recognised by the Spanish border police authorities may be produced.

## **FRANCE**

The reference amount for the adequate means of subsistence for the planned duration of an alien's stay or for his transit via France to a destination in a third State is equal to the amount

of the guaranteed minimum wage in France (SMIC) calculated daily on the basis of the rate fixed on 1 January of the current year.

This amount is regularly reassessed on the basis of the French cost of living index:

- automatically whenever the retail price index rises more than 2%,
- by a governmental decision – after consultation with the national commission for collective bargaining – to grant a rise higher than the rise in the retail price index.

As of 1 July 2002, the daily amount of the SMIC (minimum wage) is € 47,80.

Holders of an accommodation certificate must possess a minimum amount of money, equivalent to half the SMIC, in order to stay in France. This amount is therefore € 23,90 per day.

## **ITALY**

Article 4(3) of the "Consolidated text of provisions governing immigration and the status of aliens" No 286 of 28 July 1998 states that Italy, in accordance with the obligations assumed through membership of specific international agreements, shall allow entry into its territory to aliens who prove themselves to be in possession of suitable documentation to confirm the purpose and conditions of their residence and sufficient means of support for the duration of their residence as well as, except in the case of residence permits for work purposes, for their return to the country they came from. Means of support are defined in the relevant directive issued by the Minister for the Interior. Aliens not satisfying these requirements or who are considered a threat to the national security or public policy of the State or of one of the countries with which Italy has signed agreements for the abolition of internal border controls and the free movement of persons may not enter Italy, subject to the limits and derogations laid down in those agreements.

The directive in question, which was issued on 1 March 2000 and has the title "Definition of means of support for entry and residence of aliens in the national territory", lays down that:

- a) the availability of means of support may be demonstrated by producing currency or equivalent bills of exchange or bank guarantees or insurance policies guaranteeing payment, by means of documents attesting to prepaid services or documents proving the availability of funds from income in the national territory;
- b) the monetary amounts established in the directive are to be revised annually, after application of the parameters relating to average annual variation produced by ISTAT and calculated on the basis of the general consumer price index for foodstuffs, drinks, transport and accommodation services;
- c) the alien must indicate the availability of suitable accommodation in Italian territory and possession of the sum needed for repatriation, which may also be demonstrated by showing a return ticket;
- d) the minimum means of support needed per person for the issue of a visa and for entry to Italian territory for the purposes of tourism are defined in accordance with Table A below.

**TABLE A**  
**TABLE FOR DETERMINING THE MEANS OF SUPPORT**  
**REQUIRED FOR ENTRY TO ITALIAN TERRITORY**  
**FOR THE PURPOSES OF TOURISM**

Duration of trip	Number of participants in trip	
	One participant	Two or more participants
	Euro	euro
<hr/>		
1 to 5 days		
overall fixed sum	269,60	212,81
<hr/>		
6 to 10 days		26,33
daily sum per person	44,93	
<hr/>		
11 to 20 days		
fixed sum	51,64	25,82
+		
daily sum per person	36,67	22,21
<hr/>		
more than 20 days		
fixed sum	206,58	118,79
+		
daily sum per person	27,89	17,04
<hr/>		

**CYPRUS**

According to the Aliens and Immigration Regulations (Regulation (9(2)(B))) the entry of aliens for temporary stay in the Republic depends on the discretionary power of the



immigration officers at the borders, which is exercised according to the general or specific instructions of the Minister of Interior or to the provisions of the above mentioned Regulations. The immigration officers at the borders decide on the entry on a case by case basis, taking into consideration the purpose and length of stay, possible hotel reservations or hospitality by persons normally residing in Cyprus.

### **LATVIA**

Article 81 of the Cabinet of Ministers Regulation No 131 of 6 April 1999 as amended by the Cabinet of Ministers Regulation No 124 of 19 March 2002, stipulates that upon the request of an official of the State Border Guard, an alien or a stateless person shall present the documents referred to in sub-paragraphs 67.2.2 and 67.2.8 of these Regulations:

67.2.2. a health resort or travel voucher confirmed in accordance with the regulatory enactments of the Republic of Latvia, or a tourist carnet prepared pursuant to a specified pattern and issued by the Alliance of International Tourism (AIT);

67.2.8. for the receipt of a single entry visa:

67.2.8.1. traveller's cheques in the convertible currency or cash in LVL or in convertible currency corresponding to LVL 60 for each day; if the person presents the documents proving the payment already made for a certified place of accommodation for the whole duration of his/her stay – traveller's cheques in the convertible currency or cash in LVL or in convertible currency corresponding to LVL 25 for each day;

67.2.8.2. a document which certifies the reservation of a certified place of accommodation;

67.2.8.3. a round trip ticket with fixed dates.

### **LITHUANIA**

Pursuant to Article 7(1) of the Lithuanian Law on the Legal Status of Aliens, an alien shall be refused admission to the Republic of Lithuania where he is unable to prove that he has sufficient funds for the stay in the Republic of Lithuania, a return trip to his country or for proceeding to another country which he has the right to enter.

However, there are no reference amounts for the above. Decisions are made on case-by-case basis depending on the purpose, type and duration of the stay.

### **LUXEMBOURG**

The law of Luxembourg does not provide for any reference amount for border controls. The official carrying out the control decides on a case-by-case basis whether an alien who presents himself at the border has adequate means of subsistence. To this end, the official takes into account the purpose of the stay and the type of accommodation.

### **HUNGARY**

A reference amount is specified in the aliens policing legislation: under Decree No 25/2001 (XI. 21.) of the Minister of Interior, currently at least HUF 1000 is required upon each entry.

Under Article 5 of the Aliens Act (Act XXXIX of 2001 on the Entry and Stay of Foreigners), the means of subsistence required for entry and stay may be certified by the presentation of

- Hungarian currency or foreign currency or non-cash means of payment (e.g. cheque, credit card, etc.),
- a valid letter of invitation issued by a Hungarian national, a foreigner holding a residence permit or settlement permit or a legal entity if the person inviting the foreigner declares to cover the costs of the accommodation, lodging, health care and return (repatriation). The official consent of the aliens policing authority shall be attached to the letter of invitation,
- confirmation of board and lodging reserved and paid in advance by means of a travel agency (voucher),
- any other credible proof.

### **MALTA**

It is the practice to ensure that persons entering Malta would have a minimum amount of MTL 20 (EUR 48) per day for the duration of their visit.

### **NETHERLANDS**

The amount which border control officials take as a basis when verifying means of subsistence is currently € 34 per person per day.

The application of this criterion is flexible since the required amount of the means of subsistence is determined on the basis of the planned duration of the stay, the reason for the visit and the personal circumstances of the person concerned.

### **AUSTRIA**

Pursuant to Article 52(2) Z 4 of the Law on Aliens, aliens shall be refused at the border if they have no place of residence in Austria and do not have sufficient means of subsistence to meet the costs of their stay and return.

However, there are no reference amounts for the above. Decisions are made on a case-by-case basis depending on the purpose, type and duration of the stay. Cash and – depending on the circumstances of the individual case – traveller's cheques, credit cards, bank guarantees or letters of guarantee from solvent persons living in Austria may be accepted as proof.

### **POLAND**

Amounts required for crossing borders are determined in the Ordinance of the Minister of Internal Affairs and Administration of 20 June 2002 on the amount of means to cover expenses concerning to entry, transit, stay and departure of aliens crossing the border of the Republic of Poland and detailed rules of documentation evidencing possession of these means – Dz.U. 2002, Nr 91, poz. 815).

Amounts indicated in above regulation are as follows:

- PLN 100 per day of stay for persons over 16 years old, but not less than 500 PLN,

- PLN 50 per day of stay for persons under 16 years old, but not less than 300 PLN,
- PLN 20 per day of stay, but not less than 100 PLN, for persons participating in tourist trips, youth camps, sport competitions or having costs of stay in Poland covered or arriving to Poland for health treatment in a sanatorium,
- PLN 300 for persons over 16 years old, whose stay in Poland does not exceed 3 days (including transit),
- PLN 150 for persons under 16 years old, whose stay in Poland does not exceed 3 days (including transit).

### **PORTUGAL**

Aliens must be in possession of the following amounts if they wish to enter or stay in Portugal:

€ 75 – for each entry

€ 40 – for each day spent in the territory

Aliens who are able to prove that their board and lodging are guaranteed for the duration of their stay may be exempted from paying the above amounts.

### **SLOVENIA**

EUR 70 per person for each day of the planned stay.

### **SLOVAKIA**

Pursuant to Article 4(2)(c) of Act No 48/2002 Z. z. on the Stay of Aliens, an alien is obliged, upon request, to prove he or she has a financial amount for the stay, in convertible currency, amounting to at least half the minimum wage determined by provided for in Act No 90/1996 Z. z. on minimum wage as amended, for each day of the stay; an alien younger than 16 years old is obliged to prove he or she has the financial means for the stay amounting to half of this.

### **FINLAND**

The amount which border control officials take as a basis for means of subsistence is at present € 40 per person per day.

### **SWEDEN**

Swedish law does not stipulate a reference amount for the crossing of borders. The border control officer decides on a case-by-case basis whether the alien has adequate means of subsistence.

### **ICELAND**

Under Icelandic law, aliens must prove that they are in possession of enough money to meet their needs in Iceland and to make the return journey. In practice, the reference amount is

ISK 4 000 per person. If subsistence expenses are borne by a third party, the amount is halved. The total minimum amount is ISK 20 000 for each entry.

### **NORWAY**

Under Article 27(d) of the Norwegian Immigration Law, any foreign national who is unable to prove that he has adequate funds for his stay in the Kingdom and for the return journey, or that he can count on such funds, may be turned back at the border.

The amounts deemed necessary are fixed individually and decisions are taken on a case-by-case basis. Account is taken of the length of stay, whether the foreign national will be staying with family or friends, whether he has a ticket for the return journey and whether a guarantee has been given for the stay (as an indication, an amount of NOK 500 per day is deemed to be adequate for visitors who are not staying with relations or friends).

**ANNEX IV**  
**Checks at authorised border crossing-points**

1. The minimum check referred to in Article 6(2) which is intended to establish a person's identity, consists of an identity check on the basis of the travel documents produced or presented and in rapid and straightforward verification of the validity of the document authorising the holder to cross the border and of the presence of signs of falsification or counterfeiting.

2. The thorough check on third-country nationals provided for by Article 6(3) shall include in particular:

a) a detailed examination of the following aspects:

- verification of the validity of the document presented and, where applicable, of the requisite visa;

- scrutiny of the document for signs of falsification or counterfeiting;

b) verification regarding the origin and destination of the individual and the purpose of the journey and, if necessary, checking the corresponding supporting documents;

c) verification that the individual has sufficient means of subsistence for the length of stay envisaged, for his return or transit to a third country, or that he can obtain these means legally, and that he has travel insurance where applicable;

d) verification that the person, his vehicle and the objects he is transporting are not likely to jeopardise the public policy, internal security, public health or international relations of any of the Member States. Such verification shall include direct consultation of the data and alerts on persons and 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. If consultation of the SIS reveals that an alert has been made as defined in Articles 95 and 100 of the Schengen Convention, the action requested which appears on the screen must first be performed.

3. At all border (land, sea and airport) posts, all service information and any other particularly important information shall be entered in a register. The message should include the following information in particular:

- the names of the border guard responsible locally for border checks and of the other officers in each team;
- relaxation of checks on persons applied in accordance with Article 7;
- the issuing of documents in place of passports and of visas or permits issued at the border;
- persons apprehended and complaints (criminal offences and administrative breaches);
- persons refused entry or exit (number and nationalities);
- other particularly important police or judicial measures;

– particular occurrences.

**ANNEX V**  
**Relaxation of checks at land borders**

1. The exceptional and unforeseen circumstances referred to in Article 7(1) are met where unforeseen events lead to such intensity of traffic that the delay in the time taken to reach checking posts becomes excessive, and all resources have been exhausted as regards staff, facilities and organisation.
2. Where checks are relaxed in accordance with Article 7(1) and (2), checks on entry movements shall normally take priority over checks on exit movements.
3. The border guard who relaxes checks must show discretion. Such relaxation of checks may only be temporary, must be adapted to the circumstances justifying it and must be introduced gradually.
4. Individuals known personally to the border guard, and whom he knows, on the basis of an initial check, have not been the subject of an alert in the SIS or in a national data file and who possess a valid document authorising them to cross the border, will be subject only to random checks to ensure that they hold that document. This applies in particular to those persons who frequently cross the border at the same crossing-point. Thorough checks must be carried out on this group of persons from time to time, without warning and at irregular intervals.

ANNEX VI  
Model signposts identifying lanes at  
frontier crossing-points

Part A



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<sup>1</sup> No logo is required for Norway and Iceland.



**ALL  
PASSPORTS**

**Part C**



<sup>2</sup>



<sup>2</sup>



<sup>2</sup>



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<sup>2</sup> No logo is required for Norway and Iceland.



**ANNEX VII**  
**Affixing stamps**

1. Upon initial entry, the stamp must, 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 is done on the page facing the one on which the visa is affixed.

If that page cannot be used, the stamp is entered on the following page.

2. Different shaped stamps (rectangular for entry, rectangular with rounded corners for exit) are used to certify entry and exit. These stamps contain the letter(s) identifying the State, the name of the border post, the date, the serial number and a pictogram indicating the type of border crossed (land, sea or air).

Stamps also contain a two-digit security code, to be changed at regular intervals not exceeding one month.

3. Member States must ensure that the national contact points responsible for exchanging information on the security codes of the entry and exit stamps used at border crossing-points have immediate access to information regarding common entry and exit stamps used at the external border of the Member State concerned, and in particular to information on the following:

- the border crossing-point to which a given stamp is assigned;
- the identity of the border control official to whom a given stamp is assigned at any given time;
- the security code of a given stamp at any given time.

Any inquiries regarding common entry and exit stamps are to be made through the abovementioned national contact points.

The national contact points will also forward immediately to the other contact points, the General Secretariat of the Council, and the Commission information regarding lost and stolen stamps.

## ANNEX VIII

### **Part A** **Procedures for refusing entry**

1. When refusing entry, the border guard:

- fills in the standard form for refusing entry, as shown in Part B, and gives a copy to the third-country national affected by the decision;
- affixes an entry stamp on the passport, cancelled by a cross in indelible black ink, and writes opposite it on the right-hand side, also in indelible ink, the letter(s) corresponding to the reason(s) for refusing entry, the list of which is given on the abovementioned standard form for refusing entry;
- if he notes that the holder of a short-stay visa has been the subject of an alert in the SIS for the purposes of being refused entry, he shall cancel the visa by applying a stamp stating “CANCELLED”. He must inform his central authorities of this decision forthwith. The procedure for doing this is described at point 2.1 of Annex 14 to the Common Consular Instructions;
- record every refusal of entry in a register or on a list stating identity, nationality, the references of the document authorising the third-country national to cross the border and the reason for, and date of, refusal of entry;
- if there are grounds both for refusing entry to a third-country national and arresting him, he must contact the judicial authorities responsible to decide on the action to be taken in accordance with national law.

2. Where, in accordance with Article 11(2), the conditions are met for issuing a visa at the border to a third-country national who does not have one, it is issued by affixing a sticker on the travel document in which a visa can be stamped. If there is no more space in the document, or if it is not possible in any event to affix a visa in the document, it must, exceptionally, be affixed on a separate sheet inserted in the document. In such a case, the standard model sheet for affixing a visa, laid down by Regulation (EC) No 333/2002,<sup>1</sup> must be used.

3. If a third country national, refused entry, has been brought to the border by a carrier by air, sea or land, the authority responsible locally must:

- order the carrier to take charge of the alien and transport him or her without delay to the third State from which he was brought, to the third State which issued the document authorising him to cross the border, or to any other third State where he is guaranteed admittance. If the carrier cannot comply with the onward transportation order immediately, immediate transportation to a third State by another carrier must be ensured. The carrier must

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<sup>1</sup> OJ L 53, 23.02.2002, p. 4.

be made to bear the costs of lodging, maintenance and the return journey, in accordance with Council Directive 2001/51/EC of 28 June 2001;<sup>2</sup>

- pending onward transportation, take appropriate measures, in compliance with national law and having regard to local circumstances, to prevent third-country nationals refused entry from entering illegally.

**PART B**  
**Standard form for refusals to admit**

**EN**

**EN**

# Name of State



LOGO OF STATE (Name of Office)

1

## REFUSAL OF ENTRY AT THE BORDER

On \_\_\_\_\_ at (time) \_\_\_\_\_ at the border point \_\_\_\_\_

We, the undersigned, \_\_\_\_\_ have before us:

Surname \_\_\_\_\_ First name \_\_\_\_\_

Date of birth \_\_\_\_\_ Place of birth \_\_\_\_\_ Sex: \_\_\_\_\_

Nationality \_\_\_\_\_ Resident in \_\_\_\_\_

Type of identity document \_\_\_\_\_ number \_\_\_\_\_

Issued in \_\_\_\_\_ on \_\_\_\_\_

Visa number \_\_\_\_\_ type \_\_\_\_\_ issued by \_\_\_\_\_

valid from \_\_\_\_\_ until \_\_\_\_\_

For a period of \_\_\_\_\_ days on the following grounds: \_\_\_\_\_

Coming from \_\_\_\_\_ by means of \_\_\_\_\_ (indicate means of transport used, e.g. flight number), he/she is hereby informed that he/she is refused entry into the country pursuant to (indicate references to the national legislation in force), for the following reasons:

<sup>1</sup> No logo is required for Norway and Iceland.



- (A) Has no valid travel document(s)
- (B) Has a false/counterfeit/forged travel document
- (C) Has no valid visa
- (D) Has a false/counterfeit/forged visa
- (E) Has no appropriate documentation justifying the purpose and conditions of stay
- (F) Does not have 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
- (G) Is a person for whom an alert has been issued for the purposes of refusing entry
- in the SIS
- in the national register
- (H) Is considered to be a threat to public order, internal security, public health or the international relations of one or more of the Member States of the European Union (*each State must indicate the references to national legislation relating to such cases of refusal of entry*).

**Comments**

The person concerned may appeal against the decision to refuse entry as provided for in national law. The person concerned receives a copy of this document (*each State must indicate the references to national legislation relating to the right of appeal*).

Person concerned

Officer responsible  
for checks

**ANNEX IX**  
**List of national services responsible for border-controls**

The national services responsible for border controls under the national legislation of each Member State for the purposes of Article 13(2) are:

- for the Kingdom of Belgium: Federal Police (Police Fédérale / Federale Politie) and Customs;
- for the Czech Republic: The departments of the Alien and Border Police Service are in charge of executing controls of persons at border crossing points, the "green" border and international airports. Corresponding border customs offices are in charge of the control of goods;
- for the Kingdom of Denmark: Police;
- for the Federal Republic of Germany: Bundesgrenzschutz, Customs and Länder Police in Bavaria, Bremen and Hamburg;
- for the the Republic of Estonia: the Board of Border Guard (Piirivalveamet) and the Customs Board (Tolliamet);
- for the Hellenic Republic: Ελληνική Αστυνομία (Helliniki Astynomia), Λιμενικό Σώμα (Limeniko Soma), Τελωνεία (Telonia);
- for the Kingdom of Spain: Cuerpo Nacional de Policía, Guardia Civil, Servicios de Aduanas;
- for the French Republic: DCPAF (Direction centrale de la police aux frontières), Customs;
- for the Italian Republic: Polizia di Stato, Carabinieri, Guardia di finanza;
- for the Republic of Cyprus: Αστυνομία Κύπρου (Cyprus Police), Τμήμα Τελωνείων (Customs and Excise Department);
- for the Republic of Latvia: Valsts robežsardze (State Border Guard), Muita (Customs), Sanitārā robežinspekcija (Sanitary Border Inspection);
- for the Republic of Lithuania: the State Border Guard Service under the Ministry of the Interiorfor the Grand Duchy of Luxembourg: Customs, Special Airport Gendarmerie Service;
- for the Grand Duchy of Luxembourg: Customs, special Gendarmerie division at the airport;
- for the Republic of Hungary: the Border Guard;
- for the Republic of Malta: the Immigration Police and the Customs Department;
- for the Kingdom of the Netherlands: Koninklijke Marechaussee, Customs (entry and excise duties), Rotterdam (port) District Police;

- for the Republic of Austria: Bundespolizei (Federal Police), Gendarmerie, Customs;
- for the Republic of Poland: The Border Guard;
- for the Portuguese Republic: Serviço de Estrangeiros e Fronteiras, Direcção-Geral de Alfândegas, Brigada Fiscal da Guarda Nacional Republicana;
- for the Republic of Slovenia: Police and Customs, the latter only at border crossing points with the Republic of Italy and the Republic of Austria;
- for the Slovak Republic: Border Police and Customs;
- for the Republic of Finland: Border Guards, Customs and Police;
- for the Kingdom of Sweden: primarily the Police, assisted by Customs, the Coast Guards and the Migration Office. Checks and inspections on persons at sea are carried out by the Coast Guards;
- for the Republic of Iceland: Ríkislögreglustjóri (Director-General of National Police), Lögreglustjórar (District Police Chiefs);
- for the Kingdom of Norway: border controls are basically among the responsibilities of the police. But in certain circumstances, at the request of the local police chief, they can be handled by Customs or the armed forces (Coast Guards or Garrison at Varanger-South). In such cases those services exercise limited police powers.

## ANNEX X

### Special detailed rules for different types of border and the different means of transport used for crossing the Member States' external borders

#### **1. Land borders**

##### **1.1. Checks on road traffic**

1.1.1. To ensure effective checks on persons, while ensuring the safety and smooth flow of road traffic, movements at border crossing-points must be regulated in an appropriate manner. In case of need, measures to channel and block traffic will be taken in compliance with the agreements on collocated national control offices.

1.1.2. At land borders, Member States may, where they deem appropriate and if circumstances allow, install channels or operate separate control lanes at certain border crossing-points, in accordance with Article 8.

Separate channels or lanes may be dispensed with at any time by the Member States' competent authorities, in exceptional circumstances and where traffic and infrastructure conditions so require.

Member States may cooperate with neighbouring countries with a view to the installation of separate channels and lanes at external border crossing-points.

1.1.3. Where a Member State decides to install channels or operate separate lanes, the rules set out in Article 8(2) and (3) on the minimum indications to be used on signs shall apply.

Specific lanes may be designed and installed for persons eligible for a local border traffic regime.

1.1.4. As a general rule, persons travelling in vehicles may remain inside them during checks. Checks must be made outside the checkpoint kiosk, beside the vehicle. Thorough checks must take place, if local circumstances allow, beside the highway in areas designated for that purpose. In the interests of staff safety, checks shall be carried out by at least two border guards.

In the event of heavy traffic, bus passengers on regular local lines must be checked first where the local situation allows.

##### **1.2. Checks on rail traffic**

1.2.1. Checks on rail traffic may be carried out in the following two ways:

- on the platform, in the first station of arrival or departure on the territory of a Member State,
- on board the train, during transit.

When carrying out these checks, the provisions of agreements on collocated national control offices shall be taken into account.

1.2.2. To facilitate rail traffic flows of international passenger trains, the States directly affected by the transit of trains may decide, by common agreement, to carry out checks on passengers from third countries either in the stations of destination, and/or on board the train during transit between these stations, provided that the passengers stay on board the train in the previous station/stations.

With respect to international trains from third States making several stops in the territory of the Member States, if the rail transport carrier is in a position to board passengers exclusively for a journey within the territory of the Member States, such passengers shall be subject to entry checks either on the train or at the station of destination.

When travelling in the opposite direction, the passengers shall be subject to exit checks under similar arrangements.

1.2.3. Passengers who wish to take the train in the circumstances described under point 1.2.2 on the territory of the Member States shall receive clear notification prior to the train's departure that they might be subject to personal checks during the journey or at the station of destination.

1.2.4. In the case of persons travelling in sleeper or couchette compartments, the documents enabling them to cross the border shall normally be checked in the compartment of the attendant, provided that he has collected these documents in compliance with the rules applicable to him and that he keeps them available for checks. At the beginning of the check the existence of the documents enabling all the passengers to cross the border must be verified by comparing these documents with the occupancy and/or booking list. The identity of the persons in the compartments must be verified, if possible in the presence of the attendant, at irregular intervals or where specific reasons exist.

1.2.5. The border guard locally responsible may order the cavities of cars to be inspected sporadically or for specific reasons, if necessary with the assistance of the train inspector, to ensure that persons or objects subject to border police checks are not concealed in them.

1.2.6. 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 responsible, if he cannot act in accordance with his national provisions, shall notify the Member States towards or within whose territory the train is moving.

## **2. Air borders**

### **2.1. Procedures for checks at international airports**

2.1.1. The competent authorities shall, in cooperation with the airport operator, take the requisite measures to ensure that inflows of passengers from internal and other flights are physically separated. Appropriate infrastructures must be set in place at all international airports to that end.

2.1.2. The place where persons and hand baggage are checked will 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.

- b) For flights from or to third States with no transfer passengers and flights making more than one stop-over at the airports of the Member 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 Member States shall be subject to an entry check at the airport of entry and an exit check at the airport of exit;
  - ii) passengers on flights from or to third States with more than one stop-over 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 Schengen territory, shall be subject to an entry check at the airport of arrival and an exit check at the airport of departure;
  - (iii) where an airline may, for flights from third States with more than one stop-over within the territory of the Member 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 stop-overs, are already on board the aircraft and have not boarded in the territory of the Member States shall be carried out in accordance with point (a). The reverse procedure shall apply to this category of flights where the country of destination is a third State.

2.1.3. Checks on persons shall not be carried out on the aircraft. In order to ensure that, at the airports designated as authorised border crossing-points, passengers may be checked in accordance with the rules set out in Articles 6 to 11, Member States must, in agreement with the airport authorities and the transport undertaking, take the appropriate measures to ensure that passenger traffic is channelled to facilities reserved for checks.

The airport operator must take the necessary measures to prevent unauthorised persons entering and leaving the reserved areas, for example the transit area.

2.1.4. Where, in cases of force majeure or imminent danger or on the instructions of the authorities, an aircraft on an international flight has to land on a landing ground which is not an authorised border crossing-point, that aircraft may continue its flight only after authorisation from the authorities responsible for border checks and surveillance and from customs. The same shall apply where a foreign aircraft lands without permission. In any event, Articles 6 to 11 shall apply to checks on passengers on such aircraft.

## **2.2. Procedures for checks in aerodromes**

2.2.1. It must be ensured that passengers are also checked, in accordance with the rules set out in Articles 6 to 11, in airports which do not hold the status of international airport under the relevant national law (“aerodromes”) but through which the routing of international flights is authorised.

2.2.2. It shall not be necessary to make appropriate arrangements in aerodromes to ensure that inflows of passengers from internal and international flights are physically separated, without prejudice to Regulation (EC) No 2320/2000 establishing common rules in the field of civil

aviation security.<sup>1</sup> 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.

2.2.3. When the presence of the border guards is not assured at all times in the aerodrome, the director of this aerodrome is required to give adequate notice to the authorities responsible for carrying out border checks about the arrival and the departure of internationally-routed airplanes. Calling in auxiliary police officers is authorised, provided that this is permissible under national law.

### **2.3. Checks on private flights**

2.3.1. In the case of private flights the captain must transmit to the border authorities 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.

2.3.2. Where private flights coming from a third State and bound for a Member State make stop-overs in the territory of other Member States, the competent authorities of the Member State of entry must carry out checks on persons and apply an entry stamp to the general declaration referred to in point 2.3.1.

2.3.3. Where uncertainty exists whether a flight is exclusively coming from, or solely bound for, the territories of the Member 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 points 2.1 to 2.2.

2.3.4. 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.

## **3. Sea borders**

### **3.1. General checking procedures on maritime traffic**

3.1.1 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.

The purpose of checks is to ensure that both crew and passengers fulfil the conditions laid down in Article 5, without prejudice to Article 17(1)(b).

3.1.2. In the event of exceptional and unforeseen circumstances, checks on shipping traffic may be relaxed in accordance with Article 7.

3.1.3. The ship's captain shall draw up a list, in duplicate, of the crew and of any passengers in accordance with the rules laid down in Directive 98/41/EC.<sup>2</sup> Upon arriving in the port he shall

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<sup>1</sup> OJ L 355, 30.12.2002, p. 1.

<sup>2</sup> OJ L 188, 2.7.1998, p. 35.

give the list(s) to the officers responsible for checks, which shall be carried out on board ship or nearby. If, for reasons of force majeure, the list or lists cannot be sent to the officers carrying out checks, a copy must be sent to the appropriate border post or shipping authority, which shall see that it is forwarded without delay to the authorities empowered to carry out border checks.

As regards scheduled ferry services, the ship's captain or the passenger registrar shall not be required to draw up a passenger list.

3.1.4. One copy of the two lists duly signed by the checking officer shall be returned to the ship's captain, who must be able to produce it on request when in port.

3.1.5. The ship's captain, or failing that the individual or corporation who represents the shipowner in all matters relating to the shipowner's duties in fitting out the vessel ("shipowner's agent"), must report promptly any changes to the composition of the crew or the number of passengers.

In addition, the captain is required to notify the competent authorities promptly, and if possible even before the ship enters port, of the presence on board of stowaways. Stowaways shall, however, remain under the responsibility of the ship's captain.

3.1.6. The ship's captain must notify the border authorities of the ship's departure and report any change to the composition of the crew in good time and in accordance with Directive 98/41/EC and the rules in force in the port concerned; if he is unable to notify these authorities, he must advise the appropriate shipping authority. The second copy of the previously completed and signed list(s) shall be returned to these authorities.

## **3.2. Specific checking procedures for certain types of shipping**

### *Cruise ships*

3.2.1. If a cruise ship calls in succession at several ports situated in the territory of the Member States without calling at a port situated outside this territory, checks shall normally be carried out only at the first and last port situated within the territory of the Member States.

Nevertheless, according to the assessment of the risks of illegal immigration, checks may also be carried out at the other intermediate ports.

3.2.2. The list of passengers shall in all cases be forwarded upon departure from one port to the subsequent port of arrival, at which the competent authorities shall systematically carry out at least an administrative check.

3.2.3. Where there are grounds for refusing to allow persons on board to enter the territory of a Member State, the authorities responsible for checks must ensure that the persons concerned do not enter the territory by keeping them either on board or in an area set aside for the purpose.

### *Pleasure boating*

3.2.4. Member States shall require pleasure boats coming from a port of anchorage other than their own to dock in an authorised port of entry in order to carry out checks, on entry and exit, on the persons on board.



3.2.5. Persons engaged in pleasure boating who leave and return within the same day or within a short period to their boat's usual port of anchorage located within the territory of a Member State, and who are known to the port authorities, shall not be systematically checked. 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 Member State concerned, personalised spot checks and/or a physical search of the vessel must be carried out.

3.2.6. Where a pleasure boat wishes, exceptionally, to enter a port which is not an authorised border crossing-point, the authorities responsible for checks must be notified if possible before the vessel enters the port, and in any event upon its 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 authorities responsible for carrying out checks.

Likewise, if for reasons of force majeure the vessel has to dock in a port other than an authorised border crossing-point, the port authorities must contact the authorities in the nearest authorised port of entry in order to report the vessel's presence.

3.2.7. 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 authorised ports of entry and departure. As long as the vessel remains in the territorial waters of one of the Member States, a copy of this list must be included amongst the ship's papers.

#### *Coastal fishing*

3.2.8. The crews of coastal fisheries vessels who return every day or nearly every day to the port of registration or to any other port situated in the territory of the Member States without docking in a port situated in the territory of another State shall not be systematically checked. Nevertheless, the assessment of the risks of illegal immigration, in particular where the coastline of a third State is located in the immediate vicinity of the territory of the Member State concerned, must be taken into account in order to determine the frequency of the spot checks to be carried out. According to those risks, checks on persons and/or a physical search of the vessel must be carried out.

3.2.9. The crews of coastal fisheries vessels not registered in a port situated in the territory of a Member State shall be checked in accordance with the provisions relating to seamen.

The ship's captain is required to notify the appropriate authorities of any alteration to the crew list and of the presence of any passengers.

#### *Ferries not providing scheduled services*

3.2.10. Controls shall be carried out on passengers on board ferries not providing scheduled services in accordance with Article 2. The following rules shall apply:

- a) checks on third-country nationals and checks on persons enjoying the Community right to free movement should be carried out separately. Where possible, the necessary construction work should be undertaken to ensure this in accordance with Article 8;
- 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. If necessary, a second gate shall be established;
- g) so as to detect illegal immigrants in particular, random checks shall, at the very least, be made on the vehicles used by the passengers, and where applicable on the loads and other goods stowed in the vehicle;
- h) ferry crew members shall be dealt with in the same way as commercial ship crew members.

### **3.3. Inland waterway navigation**

3.3.1. "Inland waterways shipping involving the crossing of an external border" covers the use, for business or pleasure purposes, of all types of boat and floating vessels on rivers, canals and lakes.

3.3.2. 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.

3.3.3. The relevant provisions of points 3.1 to 3.2 shall apply *mutatis mutandis* to checks on inland waterways shipping.

**ANNEX XI**  
**Special arrangements for certain categories of persons**

**1. Pilots of aircraft and other crew members**

1.1. The holders of a pilot's licence or a crew member certificate as provided for in Annex 9 to the Civil Aviation Convention of 7 December 1944 may, in the course of their duties and on the basis of those documents:

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

1.2. Articles 6 to 11 shall apply to checks on aircraft crew members. Wherever possible, priority must be given to checks on aircraft crews. Specifically, they shall be checked either before passengers or at special locations set aside for the purpose. Crews known to staff responsible for checks in the performance of their duties may be subject to random checks only.

**2. Seamen**

2.1. Seamen holding a 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 may go ashore to stay in the area of the port where their ships call or in the adjacent municipalities without presenting themselves at a border crossing-point, on condition that they appear on the crew list, which has previously been submitted for checking by the competent authorities, of the ship they belong to.

According to the assessment of the risks, with special reference to illegal immigration and security, seamen must also be visually checked by the competent authorities before they go ashore.

If a sailor constitutes a threat to public policy, internal security or public health, he may be refused permission to go ashore.

2.2. Seamen who intend to stay outside the municipalities situated in the vicinity of ports must comply with the conditions for entry to the territory of the Member States, as laid down in Article 5(1).

2.3. By way of derogation from point 2.2, holders of a seafarer's identity document may be authorised to enter the territory of the Member States, even if they do not fulfil the conditions for entry laid down in Article 5(1)(b) and (c), in the circumstances set out below:

- a) boarding a ship which has already anchored or is about to arrive in a port of the Member States;
- b) transit to a third State or return to the State of origin;

- c) emergency cases or cases of necessity (illness, dismissal, end of contract, etc.).

In such cases, holders of 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 Member State may be issued with a visa at the border in accordance with the provisions of Regulation (EC) No 415/2003.

In any event, the border guards must check that the seamen in question hold a valid travel document, that no alert has been entered for the purposes of non-admission and that they do not constitute a threat to the public policy, internal security or public health of the Member States. The border guards must furthermore check, if necessary and where applicable, the following additional items:

- written declaration by the shipowner or by the shipowner's agent concerned,
- written declaration by the appropriate diplomatic or consular authorities,
- proof obtained as a result of specific verification by the police authorities or, where appropriate, by other competent administrations,
- contract authenticated by affixing the stamp of the maritime authority.

### **3. Holders of diplomatic, official or service passports and members of international organisations**

3.1. In view of the special privileges or immunities they enjoy, the holders of diplomatic, official or service passports issued by States or Governments recognised by the Member States, as well as the holders of documents issued by the international organisations listed in point 3.4, who are travelling in the course of their duties may be granted favourable treatment by being given priority over other travellers at border checks even though they remain, where necessary, subject to the requirement for a visa.

As a general rule, persons holding these documents shall not be required to prove that they have sufficient means of subsistence.

3.2. If a person presenting himself at the external border invokes privileges, immunities and exemptions, the officer responsible for carrying out checks may require him to provide evidence of his status by producing the appropriate documents, in particular certificates issued by the accrediting State or a diplomatic passport or other means. If he has doubts, the officer may, in case of urgent need, apply direct to the Ministry of Foreign Affairs.

3.3. Accredited members of diplomatic missions and of consular representations and their families may enter the territory of the Member States on presentation of the card referred to in Article 17(2) and of the document authorising them to cross the border. Moreover, border guards may not in any circumstances refuse the holders of diplomatic, official or service passports entry to the territory of the Member States without first consulting the appropriate national authorities. This shall also apply where an alert has been entered in the SIS for this person.

3.4. The documents issued by the international organisations for the purposes specified in point 3.1 are in particular the following:

- 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 by a NATO Headquarters (military ID card accompanied by a travel order, travel warrant, or an individual or group service order).

#### **4. Cross-border workers**

4.1. The procedures for checking cross-border workers are governed by the general rules on border controls, in particular Articles 6 and 11. Checks may, however, be relaxed in accordance with Article 7.

4.2. Where a Member State decides to adopt a local border traffic regime, the practical simplifications introduced under the regime, as provided for in Articles 4(1) and (2) and 9(1)(d), shall automatically apply to cross border workers.

#### **5. Minors**

5.1. Minors crossing the external border shall be subject to the same checks on entry and exit as adults, as provided for in Articles 6 to 11.

5.2. In the case of accompanied minors, the border guard must also check that the persons accompanying minors have parental care 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 custody of the persons legally exercising parental care over them.

In the latter case, the border guard must conduct separate interviews with the minor and with the person accompanying the minor in order to detect any inconsistencies or contradictions between the information given.

5.3. Staff carrying out checks must pay particular attention to minors travelling unaccompanied. They must ensure in particular, by means of thorough checks on travel documents and supporting documents, that minors do not leave the territory against the wishes of the persons having parental care over them.

**ANNEX XII**  
**Model cards issued by Foreign Ministries**

[...]

**ANNEX XIII**  
**Correlation table**

<b>Provisions of this Regulation</b>	<b>Provisions of the Schengen Convention (SC), Common Manual (CM) and other decisions of the Schengen Executive Committee (SCH/Com-ex) replaced</b>
<b>Titre I</b> <b>General provisions</b>	
<i>Article 1</i> Object	---
<i>Article 2</i> Definitions	[This article takes over Article 1 of the SC but does not replace it]*
<i>Article 3</i> Scope	---
<b>Title II</b> <b>External borders</b>	
<b>Chapter I</b> <b>Crossing of external borders and entry conditions</b>	
<i>Article 4</i> Crossing external borders	Article 3 SC Points 1, 1.2, 1.3 (1.3.1 to 1.3.3.), Part I CM.
<i>Article 5</i> Entry conditions	Article 5(1) and (3) SC Points 2, 2.1 and 4.1, Part II CM Points 1.4.8, 1.4.9 and 6.2, Part II CM
<b>Chapter II</b>	

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\* On the basis of Council Decision 1999/436/EC determining ... the legal basis for each of the provisions or decisions which constitute the Schengen acquis, the definitions in Article 1 of the Convention apply to all the articles of the Schengen Convention for which a legal basis is determined in the Treaties. Consequently an instrument based on Article 62 of the EC Treaty cannot amend or replace a definition that applies also in relation to other Articles with a different legal basis (including the Union Treaty).

<b>Control of external borders and refusal of entry</b>	
<i>Article 6</i> Checks on persons at authorised crossing-points	Article 6(1) and (2)(a) to (d) SC Point 4, part I CM Points 1 and 1.2, part II CM
<i>Article 7</i> Relaxation of checks	Article 6(2)(e) SC Point 1.3.5 (first sentence), Part II CM (see Annex V)
<i>Article 8</i> Separate lanes and information on signs	Decision SCH/Com-ex(94)17 rev.4
<i>Article 9</i> Stamping of the travel documents of third-country nationals	Points 2.1.1, 2.1.2, 2.1.5 and 2.1.6, Part II CM
<i>Article 10</i> Surveillance between border crossing-points	Article 6.3 SC Points 2.2 (2.2.1 to 2.2.4, part II CM
<i>Article 11</i> Refusal of entry	Art. 5.2 SC Points 1.4.1, 1.4.2 and 5.6, Part II CM
<b>Chapter III</b> <b>Resources for border checks and cooperation between Member States</b>	
Article 12 Resources for border checks	Article 6.4 and 6.5 SC
<i>Article 13</i> Implementation of checks	Points 1.1.1 (except the part taken over in Annex XI) and 1.1.2, part II CM.
<i>Article 14</i> Cooperation between the Member States	Article 7 SC Points 4, 4.1 and 4.2, Part II CM



<i>Article 15</i> Joint controls	---
<b>Chapter IV</b> <b>Special detailed rules for border checks and specific procedures</b>	
<i>Article 16</i> Special detailed rules for different types of border and the different means of transport used for crossing the Member States' external borders	---
<i>Article 17</i> Specific arrangements	---
<b>Title III</b> <b>Internal borders</b>	
<b>Chapter I</b> <b>Abolition of controls at internal frontiers</b>	
<i>Article 18</i> Crossing internal borders	Art.2.1 SC
<i>Article 19</i> Checks within the territory	Art. 2.3 SC
<b>Chapter II</b> <b>Safeguard clause</b>	
<i>Article 20</i> Reintroduction of checks at internal borders by a Member State	Art. 2.2 SC
<i>Article 21</i> Normal procedure	Decision SCH/Com-ex (95)20, rév.2
<i>Article 22</i>	

Emergency procedure	
<i>Article 23</i> Procedure for prolonging checks at internal borders	
<i>Article 24</i> Joint reintroduction of checks at internal borders because of a cross-border terrorist threat	---
<i>Article 25</i> Arrangements for checks where the safeguard clause applies	---
<i>Article 26</i> Report on the reintroduction of checks at internal borders	---
<i>Article 27</i> Informing the public	---
<i>Article 28</i> Confidentiality	---
<b>Title IV</b> <b>Final provisions</b>	
<i>Article 29</i> Amendments to the Annexes	---
<i>Article 30</i> Committee	Article 8 SC Regulation (CE) No 790/2001
<i>Article 31</i> Non-application to certain territories	---
<i>Article 32</i> Notification of information by the Member States	---
<i>Article 33</i>	---

Report on the application of Title III	
<i>Article 34</i> Deletions and repeals	---
<i>Article 35</i> Entry into force	---
<b>ANNEX I</b> Authorised border crossing-points	Annex 1 CM
<b>ANNEX II</b> Documentary evidence establishing the likelihood of the reasons for entry	Points 4.1.1 (4.1.1.1 to 4.1.1.4) and 4.1.2, Part I MC
<b>ANNEX III</b> Reference amounts required for crossing borders fixed annually by the national authorities	Annex 10 CM
<b>ANNEX IV</b> Checks at authorised border crossing-points	Points 1.3.1, 1.3.2 and 2.3, Part II CM
<b>ANNEX V</b> Relaxation of checks at land borders	Point 1.3.5 (second sentence), 1.3.5.1, 1.3.5.2 and 1.3.5.3, Part II MC
<b>ANNEX VI</b> Model signposts identifying gates at frontier crossing-points	---
<b>ANNEX VII</b> Affixing stamps	Points 2.1.3 and 2.1.4, part II CM
<b>ANNEX VIII</b> Part A: Procedures for refusing entry Part B: Standard form for refusals of entry	Points 1.4.1bis, 1.4.3., 1.4.4, 1.4.5 and 1.4.6, part II CM Points 5.2, part II CM
<b>ANNEX IX</b>	Point 1.1.1 part II CM (except part taken over

List of national services responsible for border-controls under the national legislation of each Member State	in Article 13)
<b>ANNEX X</b> Special detailed rules for different types of border and the different means of transport used for crossing the Member States' external borders	
Point 1 – Land borders	
Point 1.1. Checks on road traffic	Point 3.1, part II CM
Point 1.2 – Checks on road traffic	Point 3.2, part II CM
Point 2 – Air borders	
Point 2.1 - Procedures for checks at airports	Points 3.3, 3.3.1 to 3.3.4, part II CM Decision SCH/Com-ex(94)17 rev.4
Point 2.2 - Aerodromes	Points 3.3.6, part II CM Decision SCH/Com-ex(94)17 rev.4
Point 3.3 – Private flights	Points 3.3.5 and 3.3.7, part II CM
Point 3 – Maritime borders	
Point 3.1 – General checking procedures on maritime traffic	Points 3.4.1, 3.4.2, 3.4.3, part II CM
Point 3.2 – Specific checking procedures for certain types of shipping	Point 3.4.4 (3.4.4.1 to 3.4.4.5), part II CM
Chapter 3.3 – Inland waterways shipping	Point 3.5, part II CM
<b>ANNEX XI</b> Special arrangements for certain categories of persons	
Point 1 – Pilots of aircraft and other	Point 6.4, part II CM

crew members	
Point 2 – Seamen	Point 6.5, part II CM
Point 3 – Holders of diplomatic, official or service passports and members of international organisations	Points 6.6. and 6.11, part II CM
Point 4 – Border workers	Point 6.7, part II CM
Point 5 – Minors	Point 6.8, part II CM
<b><u>ANNEX XII</u></b> Model cards issued by Foreign Ministries	Annex 13 CM
<b><u>ANNEX XIII</u></b> <b><u>Correlation table</u></b>	---