

Council of the European Union

> Brussels, 8 July 2016 (OR. en)

11082/16

Interinstitutional File: 2015/0307 (COD)

LIMITE

FRONT 289 SIRIS 111 CODEC 1041 COMIX 514

NOTE	
From:	Presidency
To:	Working Party on Frontiers/Mixed Committee
	(EU-Iceland/Liechtenstein/Norway/Switzerland)
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the reinforcement of checks against relevant databases at external borders

Since the vote in the LIBE Committee on 21 June 2016 on the Report on the above mentioned proposal, three technical meetings have taken place: 28 June, 05 July and 06 July 2016. Following the discussions, five key points remain open-ended. Delegations are kindly invited to focus on them at the WP on Frontiers meeting on 11 July. There are of course, other outstanding issues that should also be settled.

The five key questions are the following:

- 1. The EP does not wish to make a distinction between air, land and sea borders, and insists on the possibility for a temporary reduction to targeted checks (article (7(2a))) for all three types of borders without the maximum transitional period of six months for air borders (article 7(2d).
- 2. The EP wishes to delete the words "relevant Union and national databases" in Article 7(2)(b), which means that the verification of a person enjoying the right of free movement under Union law would only be carried out in the SIS.

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- 3. The EP suggests adding "*for example*" in Article 7(2)b (3rd column) which means that it would be possible to carry out targeted checks, rather than systematic checks, <u>not</u> only in case of a disproportionate impact on the flow of traffic.
- 4. The EP insists that the derogation in Article 7(2)f of the Council compromise proposal be applicable also to the internal borders of Croatia and Cyprus (Article 7(2)a of the EP report).
- 5. The EP proposes a the temporary validity of this Regulation "sunset clause" of five years (final provisions, Article 2 (3rd column)).

The Presidency proposes to consider the EP proposal in Article 7(2)(b) regarding the carrying out of a minimum check in case where persons have not undergone targeted checks. This provision has been transferred to Article 7(2)(a) of the compromise proposal (4th column). For that purpose the Presidency also created the new provision in Article 7(2)(b) which defines the minimum check which should be carried out in all cases (during the consultation of relevant databases).

<u>ANNEX</u>

Proposal for a Regulation of the European Parliament and of the Council amending Regulation No 562/2006 (EC)					
	as regards the reinforcement of checks against relevant databases at external borders				
COMMISSION PROPOSAL	COUNCIL POSITION	LIBE AMENDMENTS	COMPROMISE		
Having regard to the Treaty on the	Having regard to the Treaty on the				
Functioning of the European Union,	Functioning of the European Union,				
and in particular Article 77(2)(b)	and in particular Article 77(2)(b)				
thereof,	thereof,				
Having regard to the proposal from	Having regard to the proposal from				
the European Commission,	the European Commission,				
After transmission of the draft	After transmission of the draft				
legislative act to the national	legislative act to the national				
parliaments,	parliaments,				
Acting in accordance with the	Acting in accordance with the				
ordinary legislative procedure,	ordinary legislative procedure,				
Whereas:	Whereas:				
(1) Control at external borders	(1) Control at external borders	(1) Control at <i>and protection of</i>	(1) Control at external borders		
remains one of the main safeguards	remains one of the main safeguards	external borders <i>remain</i> the <i>most</i>	remains the one of the main		
of the area without controls at	of the area without controls at	efficient way to guarantee the long-	safeguards of the area without		
internal borders. It is carried out in	internal borders. It is carried out in	term security of the Union. Border	controls at internal borders and <i>most</i>		
the interest of all Member States.	the interest of all Member States.	control at the external borders is	efficient way to guarantee the long-		
One of the purposes of such controls	One of the purposes of such controls	carried out in the interest of all	term security of the Union. It is		
is to prevent any threat to the	is to prevent any threat to the	Member States. One of the purposes	carried out in the interest of all		
Member States' internal security and	Member States' internal security and	of such control is to <i>contribute to</i>	Member States. One of the purposes		
public policy, irrespectively of the	public policy, irrespectively of the	fighting irregular migration and	of such control is to prevent any		
origin of such threat.	origin of such threat.	human trafficking and to prevent,	threat to the Member States' internal		
	-	<i>inter alia,</i> any threat to the Member	security, public policy or to public		
		States' internal security and public	<i>health</i> , irrespective of the origin of		
		policy and public health,	such threat, <i>including where such a</i>		
		<i>irrespective</i> of the origin of such	threat derives from Union citizens.		
		threat, <i>including where such a</i>	, , , , , , , , , , , , , , , , , , ,		

threat derives from Union	aitizaus
Inreal derives from Onion (1a) The implementation	
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Regulation should take int	
the Universal Declaration	5
Human Rights, the Conve	0
the Protection of Human I	0
Fundamental Freedoms a	
2 of the Treaty on Europed	
(TEU). Respect for Regula	tion (EC)
45/2001 ^{1a} and all Union la	
to data protection should b	
primary obligation of Men	ibers
States when implementing	this
Regulation.	
^{1a} Regulation (EC) No 45/2	2001 of
the European Parliament	
Council of 18 December 2	
the protection of individual	
regard to the processing of	
data by the institutions and	
of the Community and on	
movement of such data (O	$JL\delta,$
12.1.2001, p. 1).	
(1b) Border checks shoul	
carried out in such a way	
respect human dignity. Bo	
control should be carried of	
professional and respectfu	
and should be proportional	te to the
objectives pursued.	

(2) The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens.	(2) The phenomenon of foreign terrorist fighters, many of whom are Union citizens, demonstrates the necessity to strengthen the checks at external borders with regard to Union citizens.	(2) Although current minimum systematic checks based on a rapid and straightforward verification of the validity of the travel document is currently the rule for persons enjoying the right of free movement under Union law, the phenomenon of foreign terrorist fighters, many of whom are Union citizens, and the evolution of organised crime, demonstrate the necessity to strengthen the checks at external borders with regard to Union citizens by consulting relevant databases and, where there is doubt as to the authenticity of the travel document or the identity of its holder, verification of biometric identifiers.	(2) Minimum checks based on a rapid and straightforward verification of the validity of the travel document and his/her holders are currently the rule for persons enjoying the right of free movement under Union law. The phenomenon of foreign terrorist fighters, many of whom are Union citizens demonstrate the necessity to strengthen the checks at external borders with regard to persons enjoying the right of free movement under Union law.
		(2a) An equivalent level of security should be afforded to Union citizens throughout the Union.	(2a) An equivalent level of security should be afforded to all persons present within territory of Member States.
(3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.	(3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.	(3) The documents of persons enjoying the right of free movement under Union law should therefore, as a general rule, be checked systematically, on entry into and on exit from the territory of the Union, against relevant databases related to stolen, misappropriated, lost, fraudulent and invalidated travel documents in order to avoid that	 (3) The documents of persons enjoying the right of free movement under Union law should therefore be checked systematically <i>on entry into</i> <i>and on exit from the territory of</i> <i>Member States</i> against relevant databases related to stolen, misappropriated, lost and invalidated travel documents in order to avoid that persons hide their real identity.

		persons hide their real identity. <i>Member States should ensure an</i> <i>electronic connection to Interpol 's</i> <i>Stolen and Lost Travel Documents</i> <i>database (SLTD) at external border</i> <i>crossing points.</i>	Where there is a doubt as to the authenticity of the travel document or the identity of its holder, verification of biometric identifiers should be done. Member States should ensure an electronic connection to Interpol's Stolen and Lost Travel Documents database (SLTD) at external border crossing points.
(4) Border guards should for the same reason also systematically check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy.	 (3a) Member States are obliged to check systematically third country nationals against all databases on entry. It should be ensured that such checks are also carried out systematically on exit. (4) Border guards should for the same reason also systematically check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy. 	(4) Border guards should for the same reason also systematically check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy. <i>To that end, the Member</i> <i>States should ensure that their</i> <i>border guards have access to the</i> <i>relevant national and European</i> <i>data banks, including the Schengen</i> <i>Information System (SIS) and the</i> <i>Europol Information System (EIS).</i>	 <u>3a) Member States are obliged to</u> check systematically third country nationals against all databases on entry. It should be ensured that such checks are also carried out systematically on exit. (4) Border guards should for the same reason also systematically check persons enjoying the right of free movement under Union law against relevant national and European databases in order to ensure that they do not represent a threat to internal security or public policy. <i>To that end, the Member</i> <i>States should ensure that their</i> <i>border guards have access to all</i> <i>relevant databases.</i>

	(4a) The obligation of systematic		(4a) The obligation of systematic
	checks on entry and on exit applies to		checks on entry and on exit applies to
	the external borders of the Member		the external borders of the Member
	States. It also applies, both on entry		States. It also applies, both on entry
	and on exit, to the internal borders of		and on exit, to the internal borders of
	the Member States for which the		the Member States for which the
	verification in accordance with the		verification in accordance with the
	applicable Schengen evaluation		applicable Schengen evaluation
	procedures has already been		procedures has already been
	successfully completed, but for		successfully completed, but for
	which the decision on the lifting of		which the decision on the lifting of
	controls on their internal borders		controls on their internal borders
	pursuant to relevant provisions of		pursuant to relevant provisions of
	relevant Acts of Accession has not		relevant Acts of Accession has not
	yet been taken. In order to avoid that		yet been taken. In order to avoid that
	the persons enjoying the right of free		the persons enjoying the right of free
	movement under Union law are		movement under Union law are
	subject to those checks twice when		subject to those checks twice when
	crossing the internal borders of those		crossing the internal borders of those
	Member States by land, on exit they		Member States by land, on exit they
	should be subject to those checks		should be subject to those checks
	only on a non-systematic basis, based		only on a non-systematic basis, based
	on a risk assessment.		on a risk assessment.
(5) Technological developments	(5) Technological developments	(5) Technological developments	(5) Technological developments
allow in principle to consult relevant	allow in principle to consult relevant	allow in principle to consult relevant	allow in principle to consult relevant
databases without delaying the	databases without delaying the	databases with a limited effect on the	databases with a limited effect on the
process of crossing the border, as the	process of crossing the border, as the	<i>duration</i> of crossing the border, as	<i>duration</i> of crossing the border, as
controls on documents and persons	controls on documents and persons	the controls on documents and	the controls on documents and
can be carried out in parallel. It is	can be carried out in parallel.	persons can be carried out in parallel.	persons can be carried out in parallel.
therefore possible without negative	Automatic border control gates may	Synergies, convergence and	Automatic border control gates may
effect on persons travelling in good	be relevant in that context. The use	interconnectivity between	be relevant in that context. The use
faith to strengthen checks at external	of passenger information received in	information systems and their	of passenger information received in

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borders to better identify those	accordance with Council Directive	corresponding infrastructure for	accordance with Council Directive
persons who intend to hide their real	2004/82/EC, or in accordance with	Union border management and for	2004/82/EC, or in accordance with
identity or who are subject to	other Union or national legislation,	customs operations should be	other Union or national legislation,
relevant alerts for security reasons or	may also contribute to speeding up	structurally improved by making	may also contribute to speeding up
for arrest. Systematic checks should	the process of required controls	data management in the Union	the process of required controls
be carried out at all external borders.			
	during the border crossing process. It	more effective, efficient,	during the border crossing process. It
However, if systematic checks at	is therefore possible without	interoperable and compatible, with	is therefore possible without
land and sea borders were to have a	disproportionate negative effect on	full respect for data protection	disproportionate negative effect on
disproportionate impact on the flow	persons travelling in good faith to	requirements, in order to better	persons travelling in good faith to
of traffic at the border, Member	strengthen checks at external borders	protect the external borders and	strengthen checks at external borders
States should be allowed not to carry	to better identify those persons who	enhance the internal security of the	to better identify those persons who
out systematic checks against	intend to hide their real identity or	Union, for the benefit of all Union	intend to hide their real identity or
databases but only if based on a risk	who are subject to relevant alerts for	<i>citizens. Strengthening</i> checks at	who are subject to relevant alerts for
analysis assessing that such a	security reasons or for arrest.	external borders to better identify	security reasons or for arrest.
relaxation would not lead to a	Systematic checks should be carried	those persons who intend to hide	Systematic checks should be carried
security risk. Such risk assessment	out at all external borders.	their real identity or who are subject	out at all external borders.
should be transmitted to the Agency		to relevant alerts for security reasons	
for the Management of Operational		or for arrest <i>could have a negative</i>	
Cooperation at the External Borders		effect on persons travelling in good	
of the Member States of the		faith. Nevertheless, as a general	
European Union established by		<i>rule, systematic</i> checks should be	
Council Regulation (EC) No		carried out at all external borders.	
$2007/2004^{1}$ and be the subject of		The use of passenger information	
regular reporting both to the		received in accordance with Council	
Commission and to the Agency.		Directive 2004/82/EC ^{7a} , or with	
commission and to the rigency.		other Union or national law, may	
		contribute to accelerating the	
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		process of required checks during	
		the border crossing process.	

¹ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

However, if systematic checks at borders were to have a disproportionate impact, for example on the flow of traffic at the border, Member States concerned should be able to carry out targeted checks against all relevant databases at specified border crossing points, but only if based on a risk assessment evaluating that such a relaxation would not lead to a security risk. Such risk assessment should be based on a set of common risk indicators developed by the Commission, in close cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004 ⁷⁶ ('the Agency') and with the Council. The risk assessment to Agency, to the Commission and to any Member State sharing a border with the Member State concerned and should be the subject of regular reporting to the European Parliament, to the Commission and to the Agency.	
disproportionate impact, for example on the flow of traffic at the border, Member States concerned should be <i>able</i> to carry out <i>targeted</i> checks against all <i>relevant</i> databases at <i>specified border crossing points</i> , but only if based on a risk assessment <i>evaluating</i> that such a relaxation would not lead to a security risk. Such risk assessment should be <i>based on a set of common risk</i> <i>indicators developed by the</i> <i>Commission, in close cooperation</i> with the European Agency for the Management of Operational <i>Cooperation at the External Borders</i> <i>of the Member States of the</i> <i>European Union established by</i> <i>Council Regulation (EC) No</i> <i>2007/2004¹⁶</i> (the Agency') and with the Council The risk assessment <i>should be immediately</i> transmitted to the Agency, to the Commission and <i>to any Member States sharing a</i> <i>border with the Member State</i> <i>concerned and should</i> be the subject of regular reporting to the <i>European</i> <i>Parliament, to the</i> Commission and	
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only if based on a risk <i>assessment</i> <i>evaluating</i> that such a relaxation would not lead to a security risk. Such risk assessment should be <i>based on a set of common risk</i> <i>indicators developed by the</i> <i>Commission, in close cooperation</i> <i>with the European Agency for the</i> <i>Management of Operational</i> <i>Cooperation at the External Borders</i> <i>of the Member States of the</i> <i>European Union established by</i> <i>Council Regulation (EC) No</i> 2007/2004 ⁻⁶ ('the Agency') and with <i>the Council. The risk assessment</i> <i>should be immediately</i> transmitted to the Agency , to the Commission and <i>to any Member State sharing a</i> <i>border with the Member State</i> <i>concerned and should</i> be the subject of regular reporting to the <i>European</i> <i>Parliament, to the</i> Commission and	against all relevant databases at
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Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/20047b ('the Agency') and with the Council. The risk assessment should be immediately transmitted to the Agency , to the Commission and to any Member State sharing a border with the Member State concerned and should be the subject of regular reporting to the European Parliament, to the Commission and	Commission, in close cooperation
Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004 ^{7b} ('the Agency') and with the Council. The risk assessment should be immediately transmitted to the Agency , to the Commission and to any Member State sharing a border with the Member State concerned and should be the subject of regular reporting to the European Parliament, to the Commission and	with the European Agency for the
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European Union established by Council Regulation (EC) No 2007/2004 ^{7b} ('the Agency') and with the Council. The risk assessment should be immediately transmitted to the Agency , to the Commission and to any Member State sharing a border with the Member State concerned and should be the subject of regular reporting to the European Parliament, to the Commission and	Cooperation at the External Borders
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2007/2004 ^{7b} ('the Agency') and with the Council. The risk assessment should be immediately transmitted to the Agency , to the Commission and to any Member State sharing a border with the Member State concerned and should be the subject of regular reporting to the European Parliament, to the Commission and	European Union established by
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to any Member State sharing a border with the Member State concerned and should be the subject of regular reporting to the European Parliament, to the Commission and	should be immediately transmitted to
border with the Member State concerned and should be the subject of regular reporting to the European Parliament, to the Commission and	the Agency, to the Commission and
<i>concerned and should</i> be the subject of regular reporting to the <i>European</i> <i>Parliament, to the</i> Commission and	to any Member State sharing a
of regular reporting to the <i>European</i> <i>Parliament, to the</i> Commission and	border with the Member State
Parliament, to the Commission and	concerned and should be the subject
	of regular reporting to the <i>European</i>
	Parliament, to the Commission and



	^{7a} Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261, 6.8.2004, p. 24). ^{7b} Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1).	
(5a) However, if systematic checks at () borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004 ² and be the subject of		(5a) However, if systematic checks at () borders were to have a disproportionate impact on the flow of traffic at the border, Member States should be allowed not to carry out systematic checks against databases but only if based on a risk analysis assessing that such a relaxation would not lead to a security risk. Such risk assessment should be transmitted to the Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No

² Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

regular reporting both to the Commission and to the Agency. <u>This</u> <u>derogation should</u> , <u>however</u> , <u>only</u> <u>apply for a limited transitional period</u> <u>regarding air borders</u> .		2007/2004 ³ and be the subject of regular reporting both to the Commission and to the Agency. <u>This</u> <u>derogation should, however, only</u> <u>apply for a limited transitional period</u> <u>regarding air borders.</u>
	(5a) It should be possible for border guards to decide not to check relevant databases regarding a person enjoying the right of free movement under Union law if it can be clearly assessed that that person does not jeopardise the internal security of any of the Member States. Such persons could include, inter alia, children under the age of 12 and minors accompanied by parents; school pupils when travelling on organised excursions; elderly persons when travelling in an organised manner; pilots of aircraft and other crew members; Heads of State or government and the members of their delegations;	Some of these categories are mentioned in Annex VI of SBC.
	holders of diplomatic, official or service passports and members of international organisations; rescue services, police and fire brigades and border guards; off-shore	

³ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p.1).

	workers; holders of permits required	
	by national law in accordance with	
	specific Member States'	
	arrangements in bilateral	
	agreements as referred to in point	
	(a) of Article 4(2) of Regulation	
	(EU) 562/2006 of the European	
	Parliament and of the Council ^{1a} .	
	$\overline{^{1a}}$ Regulation (EU) 562/2006 of the	
	European Parliament and of the	
	Council of 15 March 2006	
	establishing a Community Code on	
	the rules governing the movement of	
	persons across borders (Schengen	
	Borders Code) (OJ L 105,	
	13.4.2006, p. 1).	
(5b) Where a Member State intends	(5b) Where a Member State intends	(5b) Where a Member State intends
to carry out targeted consultations	to carry out targeted checks and	to carry out targeted checks
regarding persons enjoying the right	consultations regarding persons	regarding persons enjoying the right
of free movement under Union law,	enjoying the right of free movement	of free movement under Union law,
it should notify without delay the	under Union law, it should notify	it should notify without delay the
other Member States, the Agency	the other Member States, the	other Member States, the Agency
and the Commission. A procedure	Agency and the Commission	and the Commission. A procedure
for this notification should be	without delay. The Commission	for this notification should be
developed by the Commission, in	should develop, no later than one	developed by the Commission, in
cooperation with the Member States,	month from the date of entry into	cooperation with the Member States,
in the context of the Schengen	force of this Regulation, a	in the context of the Schengen
Borders Code Handbook.	procedure for such notification, in	Borders Code Handbook.
	cooperation with the Member States,	
	in the context of the Schengen	
	Borders Code Handbook	

(6) With Council Regulation (EC) No 2252/2004 ⁴ , the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify these biometric identifiers, in case of doubts on the authenticity of the passport or on the identity of its holder.	(6) With Council Regulation (EC) No 2252/2004 ⁵ , the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify <u>at least one of</u> these biometric identifiers, in case of doubts on the authenticity of the <u>travel document</u> or on the identity of its holder. <u>The same approach should</u> <u>apply to the checks on the third- country nationals, where this is</u> possible	(6) With Council Regulation (EC) No 2252/2004 ⁹ , the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify <i>at least one of</i> these biometric identifiers, in case of doubts on the authenticity of the <i>travel document</i> or on the identity of its holder. <i>The</i> <i>same verification should apply,</i> <i>where possible, to third-country</i> <i>nationals.</i>	(6) With Council Regulation (EC) No 2252/2004 ⁹ , the Union introduced the facial image and fingerprints as security elements in the passport of Union citizens. These security features have been introduced in order to render the passports more secure and establish a reliable link between the holder and the passport. Member States should therefore verify <u>at least one of</u> these biometric identifiers, in case of doubts on the authenticity of the <u>travel document</u> or on the identity of its holder. <u>The</u> <u>same approach should apply to the</u> <u>checks on the third-country nationals,</u> <u>where this is possible.</u>
	country nationals, where this is		
	possible.		
		⁹ Council Regulation (EC) No	
		2252/2004 of 13 December 2004 on	
		standards for security features and biometrics in passports and travel	
		documents issued by Member States	
		(OJ L 385, 29.12.2004, p.1).	
		(6a) Many identity cards produced	No EU competence.
		by the Member States do not have	Mentioned in Commission
		any security features such as facial	recommendation regarding the

⁴ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

⁵ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).

		image or fingerprints. In order to make it possible for systematic verification to be carried out on travel documents other than passports, taking into account internal security issues, the Commission should take swift action to propose the establishment of common standards for the security features and biometrics that are to be included in identity cards issued by the Member States.	foreign fighters (do not issue ID card without machine readable zone). Council conclusion on human smuggling.
 (7) This Regulation is without prejudice to the application of Directive 2004/38/EC of the European Parliament and of the 	(7) This Regulation is without prejudice to the application of Directive 2004/38/EC of the European Parliament and of the		(7) This Regulation is without prejudice to the application of Directive 2004/38/EC of the European Parliament and of the
Council ⁶ .	Council ⁷ .	(7a) Member States should, in accordance with the applicable Union and national law, exchange data, regularly update their existing relevant databases, make full use of existing information systems and establish the necessary technical connections to all information	Council ⁸ . The similar recital is in the proposal for ECBG.

⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).

⁷ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).

⁸ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).

(8) Member States are obliged to check systematically third country nationals against all databases on entry. It should be ensured that such checks are also carried out systematically on exit.	(8) (moved up in the Preamble and became Recital 3a).	 systems and databases. Member States should, in this regard, exchange best practices with each other. (8) Member States are obliged to check systematically third country nationals against all databases on entry. In the same way, Member States should ensure that such checks are carried out systematically on exit. 	Mentioned in recital 3a.
			 (8a) The competent Member State shall ensure that the border authorities have sufficient technical, financial and human resources to prevent increase waiting time at border crossing points as regard carrying out of systematic checks according this Regulation. Removed from legal text – EP proposal in paragraph 3(a) last provision.
(9) Since the objective of this Regulation, namely reinforcing the checks against databases at external borders in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by	(9) Since the objective of this Regulation, namely reinforcing the checks against databases at external borders in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by	(9) Since the objective of this Regulation, namely <i>improving</i> the checks against databases at external borders, <i>which</i> concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, cannot be sufficiently achieved by the Member States, but can rather, <i>by reason of</i>	(9) Since the objective of this Regulation, namely reinforcing the checks against databases at external borders in reply in particular to the increase of the terrorist threat concerns one of the safeguards of the area without internal border control and as such concerns the proper functioning of the Schengen area, it cannot be sufficiently achieved by

the Member States, but can rather be	the Member States <u>individually</u> , but	its scale or effects, be better achieved	the Member States <u>individually</u> , but
better achieved at Union level, the	can rather be better achieved at	at Union level, the Union may adopt	can rather be better achieved at
Union may adopt measures, in	Union level, the Union may adopt	measures, in accordance with the	Union level, the Union may adopt
accordance with the principle of	measures, in accordance with the	principle of subsidiarity as set out in	measures, in accordance with the
subsidiarity as set out in Article 5 of	principle of subsidiarity as set out in	Article 5 of the Treaty on European	principle of subsidiarity as set out in
the Treaty on European Union. In	Article 5 of the Treaty on European	Union. In accordance with the	Article 5 of the Treaty on European
accordance with the principle of	Union. In accordance with the	principle of proportionality, as set	Union. In accordance with the
proportionality, as set out in that	principle of proportionality, as set	out in that Article, this Regulation	principle of proportionality, as set
Article, this Regulation does not go	out in that Article, this Regulation	does not go beyond what is necessary	out in that Article, this Regulation
beyond what is necessary in order to	does not go beyond what is necessary	in order to achieve <i>that objective</i> .	does not go beyond what is necessary
achieve those objectives.	in order to achieve those objectives.		in order to achieve <i>that</i> objective.
(10) In accordance with Articles 1	(10) In accordance with Articles 1		(10) In accordance with Articles 1
and 2 of the Protocol No 22 on the	and 2 of the Protocol No 22 on the		and 2 of the Protocol No 22 on the
position of Denmark, as annexed to	position of Denmark, as annexed to		position of Denmark, as annexed to
the Treaty on European Union and to	the Treaty on European Union and to		the Treaty on European Union and to
the Treaty on the Functioning of the	the Treaty on the Functioning of the		the Treaty on the Functioning of the
European Union, Denmark is not	European Union, Denmark is not		European Union, Denmark is not
taking part in the adoption of this	taking part in the adoption of this		taking part in the adoption of this
Regulation and is not bound by it or	Regulation and is not bound by it or		Regulation and is not bound by it or
subject to its application. Given that	subject to its application. Given that		subject to its application. Given that
this Regulation builds upon the	this Regulation builds upon the		this Regulation builds upon the
Schengen acquis, Denmark shall, in	Schengen acquis, Denmark shall, in		Schengen acquis, Denmark shall, in
accordance with Article 4 of that	accordance with Article 4 of that		accordance with Article 4 of that
Protocol, decide within a period of	Protocol, decide within a period of		Protocol, decide within a period of
six months after the Council has	six months after the Council has		six months after the Council has
decided on this Regulation whether it	decided on this Regulation whether it		decided on this Regulation whether it
will implement it in its national law.	will implement it in its national law.		will implement it in its national law.
(11) This Regulation constitutes a	(11) This Regulation constitutes a		(11) This Regulation constitutes a
development of the provisions of the	development of the provisions of the		development of the provisions of the
Schengen <i>acquis</i> , in which the	Schengen acquis, in which the		Schengen acquis, in which the
United Kingdom does not take part,	United Kingdom does not take part,		United Kingdom does not take part,
in accordance with Council Decision	in accordance with Council Decision		in accordance with Council Decision

2000/365/EC ⁹ ; the United Kingdom	2000/365/EC ¹⁰ ; the United Kingdom	2000/365/EC ; the United Kingdom
is therefore not taking part in the	is therefore not taking part in the	is therefore not taking part in the
adoption of this Regulation and is not	adoption of this Regulation and is not	adoption of this Regulation and is not
bound by it or subject to its	bound by it or subject to its	bound by it or subject to its
application.	application.	application.
(12) This Regulation constitutes a	(12) This Regulation constitutes a	(12) This Regulation constitutes a
development of the provisions of the	development of the provisions of the	development of the provisions of the
Schengen acquis, in which Ireland	Schengen acquis, in which Ireland	Schengen acquis, in which Ireland
does not take part, in accordance	does not take part, in accordance	does not take part, in accordance
with Council Decision	with Council Decision	with Council Decision 2002/192/EC
2002/192/EC ¹¹ ; Ireland is therefore	2002/192/EC ¹² ; Ireland is therefore	; Ireland is therefore not taking part
not taking part in the adoption of this	not taking part in the adoption of this	in the adoption of this Regulation
Regulation and is not bound by it or	Regulation and is not bound by it or	and is not bound by it or subject to its
subject to its application.	subject to its application.	application.
(13) As regards Iceland and	(13) As regards Iceland and	(13) As regards Iceland and
Norway, this Regulation constitutes a	Norway, this Regulation constitutes a	Norway, this Regulation constitutes a
development of the provisions of the	development of the provisions of the	development of the provisions of the
Schengen <i>acquis</i> within the meaning	Schengen acquis within the meaning	Schengen acquis within the meaning
of the Agreement concluded by the	of the Agreement concluded by the	of the Agreement concluded by the
Council of the European Union and	Council of the European Union and	Council of the European Union and
the Republic of Iceland and the	the Republic of Iceland and the	the Republic of Iceland and the
Kingdom of Norway concerning the	Kingdom of Norway concerning the	Kingdom of Norway concerning the
latters' association with the	latters' association with the	latters' association with the

⁹ 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 (OJ L 131, 1.6.2000, p. 43).

LIMITE

¹⁰ 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 (OJ L 131, 1.6.2000, p. 43).

¹¹ 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 (OJ L 64, 7.3.2002, p. 20).

¹² 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 (OJ L 64, 7.3.2002, p. 20).

implementation, application and	implementation, application and	implementation, application and
development of the Schengen	development of the Schengen	development of the Schengen acquis
<i>acquis</i> ¹³ , which fall within the area	<i>acquis</i> ¹⁵ , which fall within the area	, which fall within the area referred
referred to in point A of Article 1 of	referred to in point A of Article 1 of	to in point A of Article 1 of Council
Council Decision 1999/437/EC ¹⁴ .	Council Decision 1999/437/EC ¹⁶ .	Decision 1999/437/EC.
(14) As regards Switzerland, this	(14) As regards Switzerland, this	(14) As regards Switzerland, this
Regulation constitutes a development	Regulation constitutes a development	Regulation constitutes a development
of the provisions of the Schengen	of the provisions of the Schengen	of the provisions of the Schengen
acquis within the meaning of the	acquis within the meaning of the	acquis within the meaning of the
Agreement between the European	Agreement between the European	Agreement between the European
Union, the European Community and	Union, the European Community and	Union, the European Community and
the Swiss Confederation on the Swiss	the Swiss Confederation on the Swiss	the Swiss Confederation on the Swiss
Confederation's association with the	Confederation's association with the	Confederation's association with the
implementation, application and	implementation, application and	implementation, application and
development of the Schengen	development of the Schengen	development of the Schengen acquis
<i>acquis</i> ¹⁷ which fall within the area	<i>acquis</i> ¹⁹ which fall within the area	which fall within the area referred to
referred to in Article 1, point A of	referred to in Article 1, point A of	in Article 1, point A of Decision
Decision 1999/437/EC read in	Decision 1999/437/EC read in	1999/437/EC read in conjunction

¹³ OJ L 176, 10.07.1999, p.36

¹⁴ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application 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 (OJ L 176, 10.07.1999, p.31).

¹⁵ OJ L 176, 10.07.1999, p. 36.

¹⁶ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application 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 (OJ L 176, 10.07.1999, p. 31).

¹⁷ OJ L 53, 27.2.2008, p. 52.

conjunction with Article 3 of Council	conjunction with Article 3 of Council	with Article 3 of Council Decision
Decision 2008/146/EC ¹⁸ .	Decision 2008/146/EC ²⁰ .	2008/146/EC .
(15) As regards Liechtenstein, this	(15) As regards Liechtenstein, this	(15) As regards Liechtenstein, this
Regulation constitutes a development	Regulation constitutes a development	Regulation constitutes a development
of the provisions of the Schengen	of the provisions of the Schengen	of the provisions of the Schengen
acquis within the meaning of the	acquis within the meaning of the	acquis within the meaning of the
Protocol between the European	Protocol between the European	Protocol between the European
Union, the European Community, the	Union, the European Community, the	Union, the European Community, the
Swiss Confederation and the	Swiss Confederation and the	Swiss Confederation and the
Principality of Liechtenstein on the	Principality of Liechtenstein on the	Principality of Liechtenstein on the
accession of the Principality of	accession of the Principality of	accession of the Principality of
Liechtenstein to the Agreement	Liechtenstein to the Agreement	Liechtenstein to the Agreement
between the European Union, the	between the European Union, the	between the European Union, the
European Community and the Swiss	European Community and the Swiss	European Community and the Swiss
Confederation on the Swiss	Confederation on the Swiss	Confederation on the Swiss
Confederation's association with the	Confederation's association with the	Confederation's association with the
implementation, application and	implementation, application and	implementation, application and
development of the Schengen	development of the Schengen	development of the Schengen
<i>acquis</i> ²¹ which fall within the area	$acquis^{23}$ which fall within the area	<i>acquis</i> ²⁵ which fall within the area
referred to in Article 1, point A of	referred to in Article 1, point A of	referred to in Article 1, point A of
Decision 1999/437/EC read in	Decision 1999/437/EC read in	Decision 1999/437/EC read in

¹⁹ OJ L 53, 27.2.2008, p. 52.

¹⁸ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).

²⁰ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).

²¹ OJ L 160, 18.6.2011, p. 21

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conjunction with Article 3 of Council Decision 2011/350/EU ²² .	conjunction with Article 3 of Council Decision 2011/350/EU ²⁴ .		conjunction with Article 3 of Council Decision 2011/350/EU ²⁶ .
(16) As far as the use of Schengen	(16) As far as the use of Schengen	(16) As far as the use of <i>SIS</i> is	(16) As far as the use of Schengen
Information System is concerned this	Information System is concerned this	concerned this Regulation constitutes	Information System is concerned this
Regulation constitutes an act	Regulation constitutes an act	an act building upon, or otherwise	Regulation constitutes an act
building upon, or otherwise relating	building upon, or otherwise relating	relating to, the Schengen acquis	building upon, or otherwise relating
to, the Schengen acquis within,	to, the Schengen acquis within,	within, respectively, the meaning of	to, the Schengen acquis within,
respectively, the meaning of Article	respectively, the meaning of Article	Article 3(2) of the 2003 Act of	respectively, the meaning of Article
3(2) of the 2003 Act of Accession	3(2) of the 2003 Act of Accession,	Accession and Article 4(2) of the	3(2) of the 2003 Act of Accession,
and Article 4(2) of the 2011 Act of	Article 4(2) of the 2005 Act of	2011 Act of Accession. The results	Article 4(2) of the 2005 Act of
Accession.	Accession and Article 4(2) of the	of queries in SIS should be without	Accession and Article 4(2) of the
	2011 Act of Accession. The results	prejudice to Article 1(4) of Council	2011 Act of Accession. <u>The results</u>
	of queries in the Schengen	Decision 2010/365/EU ^{1a} .	of queries in the Schengen
	Information System should be		Information System should be

²³ OJ L 160, 18.6.2011, p. 21.

²⁵ OJ L 160, 18.6.2011, p. 21.

²² Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation on the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

²⁴ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

²⁶ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

	without prejudice to Article 1(4) of Council Decision 2010/365/EU.	^{1a} Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania (OJ L 166, 1.7.2010, p. 17.)	without prejudice to Article 1(4) of Council Decision 2010/365/EU.
		(16a) Member States that are not in the Schengen area and whose borders constitute the external borders should be fully integrated into SIS in order to conduct better border management and help preserve the security of the Union.	
(17) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.	(17) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.		(17) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.
 (18) Regulation (EC) No 562/2006 of the European Parliament and of the Council²⁷ should therefore be amended accordingly, HAVE ADOPTED THIS 	(18) Regulation (EC) No 562/2006 of the European Parliament and of the Council ²⁸ should therefore be amended accordingly,		(18) Regulation (EC) No 562/2006 of the European Parliament and of the Council should therefore be amended accordingly,
REGULATION:Article 1Regulation (EC) No 562/2006 is	Article 1 Regulation (EC) No 562/2006 is		Article 1 Regulation (EC) No 562/2006 is

²⁷ Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p.1).

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

amended as follows:	amended as follows:		amended as follows:
(1) Article 7 is amended as	Article 7 is amended as follows:		(1) Article 7 is amended as
follows:			follows:
(a) paragraph 2 is replaced by the	(a) Paragraph 2 is replaced by the		(a) paragraph 2 is replaced by the
following:	following:		following:
"(2) On entry and on exit, persons	"2. On entry and on exit, persons		"(2) On entry and on exit, persons
enjoying the right of free movement	enjoying the right of free movement		enjoying the right of free movement
under Union law shall be subject to	under Union law shall be subject to		under Union law shall be subject to
the following checks:	the following checks:		the following checks:
(a) verification of the identity and	(a) verification of the identity and	(a) verification of the identity and	(a) verification of the identity and
the nationality of the person and the	the nationality of the person and the	the nationality of the person and the	the nationality of the person and the
validity and authenticity of the travel	validity and authenticity of the travel	validity and authenticity of the travel	validity and authenticity of the travel
document, by consulting the relevant	document, <u>including</u> by consulting	document, <i>including</i> by consulting	document, including by consulting
databases, in particular:	the relevant databases, in particular:	the relevant databases, which shall	the relevant databases, in particular:
		include:	
(1) the Schengen Information	(1) the Schengen Information		(1) the Schengen Information
System;	System;		System;
(2) the Interpol database on stolen	(2) the Interpol database on stolen		2) the Interpol database on stolen
and lost travel documents;	and lost travel documents;		and lost travel documents;
(3) national databases containing	(3) national databases containing	(3) national databases containing	(3) national databases containing
information on stolen,	information on stolen,	information on stolen,	information on stolen,
misappropriated, lost and invalidated	misappropriated, lost and invalidated	misappropriated, <i>fraudulent</i> , lost and	misappropriated, lost and invalidated
travel documents	travel documents.	invalidated travel documents,	travel documents.
		including, for passports and travel	
		documents containing a storage	
		medium as referred to in Article	
		1(2) of Council Regulation (EC) No	
		2252/2004 [*] , the authenticity of the	
		storage medium.	
		* Council Regulation (EC) No	
		2252/2004 of 13 December 2004 on	



		standards for security features and biometrics in passports and travel documents issued by Member States	
		(OJ L 385, 29.12.2004, p.1).	
	For passports and travel documents		For passports and travel documents
	containing a storage medium as		containing a storage medium as
	referred to in Article 1(2) of Council		referred to in Article 1(2) of Council
	Regulation 2252/2004, the		Regulation 2252/2004, the
	authenticity of the storage medium		authenticity of the storage medium
	shall be checked.		shall be checked.
(b) verification that a person	(b) verification that a person	(b) verification that a person	(b) verification that a person
enjoying the right of free movement	enjoying the right of free movement	enjoying the right of free movement	enjoying the right of free movement
under Union law is not considered to	under Union law is not considered to	under Union law is not considered to	under Union law is not considered to
be a threat to the internal security,	be a threat to the internal security,	be a threat to the internal security,	be a threat to the internal security,
public policy, international relations	public policy, international relations	public policy, international relations	public policy or to public health,
of any of the Member States or to	of any of the Member States or to	of any of the Member States or to	including by consulting the relevant
public health, including by	public health, including by	public health, by consulting the	Union, and national databases, in
consulting the relevant Union and	consulting the relevant Union, and	Schengen Information System.	particular the Schengen Information
national databases, in particular the	national databases, in particular the		System.
Schengen Information System.	Schengen Information System.		
Where there is doubt on the	c) Where there is doubt on the	Where there is doubt on the	Where there is doubt on the
authenticity of the travel document or	authenticity of the travel document or	authenticity of the travel document or	authenticity of the travel document or
on the identity of its holder, the	on the identity of its holder, ()	on the identity of its holder, the	on the identity of its holder, ()
checks shall include the verification	verification of <u>at least one of</u> the	checks shall include the verification	verification of at least one of the
of the biometric identifiers integrated	biometric identifiers integrated in the	of the biometric identifiers integrated	biometric identifiers integrated in the
in the passports and travel documents	passports and travel documents	in the passports and travel documents	passports and travel documents
issued in accordance with Council	issued in accordance with Council	issued in accordance with Council	issued in accordance with Council
Regulation (EC) No 2252/2004*.	Regulation (EC) No 2252/2004 [*] .	Regulation (EC) No 2252/2004 [*] .	Regulation (EC) No 2252/2004*.

^{*} Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1)."

Where possible, such verification shall also be carried out regarding travel documents not covered by that Regulation.	Where possible, such verification shall also be carried out regarding travel documents not covered by this Regulation.	Where possible, such verification shall also be carried out regarding travel documents not covered by that Regulation.
	* Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p.1).	
		Except consultations in all relevant databases mentioned in previous points a) and b) a person enjoying the right of free movement under Union law shall undergo the minimum check in order to establish his/her identity on the basis of the production or presentation of travel document. Such minimum check shall consist of a speedy and straightforward verification of travel document, validation of the document authorising the legitimate holder to cross the border and identification of presence of signs of falsification or counterfeiting,

- * Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1).
- * Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1).

	where appropriate by using technical devices.
2a.When crossing the border between a Member State which fully applies the Schengen acquis and a Member State which does not yet fully apply the Schengen acquis, the persons enjoying the right of free movement under Union law, in particular under Directive 2004/38/ECof the European Parliament and of the Council ^{1a} , may be subject, on entry and exit, to the checks referred to in points (a) and (b) of the first subparagraph only if it can be clearly assessed, based on a risk assessment carried out by that Member State fully applying the Schengen acquis and the Agency, that there are risks for the internal security of the Union. The minimum check referred to in points	
carried out. 1a Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending	



		Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC,	
		<i>73/148/EEC, 75/34/EEC,</i>	
		<i>75/35/EEC, 90/364/EEC,</i>	
		90/365/EEC and 93/96/EEC (OJ L	
		158,30.4.2004, p. 77).	
Where, at external land and sea	2a. Where () the <u>consultation of</u>	<i>2b.</i> Where the checks referred to in	2a. Where () the <u>consultation of</u>
borders, the checks referred to in	the data bases referred to in	points (a) and (b) of <i>paragraph 2</i>	the data bases referred to in
points a) and b) of the first	paragraph 2(a) and (b) would have a	would have a disproportionate	paragraph 2(a) and (b) would have a
subparagraph would have a	disproportionate impact on the flow	impact, <i>for example</i> on the flow of	disproportionate impact on the flow
disproportionate impact on the flow	of traffic, a Member State may	traffic, Member States may <i>decide to</i>	of traffic, a Member State may
of traffic, Member States may carry	decide to carry out those	carry out those checks on a targeted	decide to carry out those
out those checks on a targeted basis	consultations on a targeted basis at	basis at specified border crossing	consultations on a targeted basis at
based on an assessment of the risks	specified border crossing-points,	<i>points,</i> based on an assessment of the	specified border crossing-points,
related to internal security, public	based on an assessment of the risks	risks related to <i>the</i> internal security	based on an assessment of the risks
policy, international relations of any	related to internal security, public	and public policy of any of the	related to internal security, public
of the Member States or a threat to	policy, international relations of any	Member States or a threat to public	policy, international relations of any
public health.	of the Member States or a threat to	health. The risk assessment shall	of the Member States or a threat to
	public health.	assess the possible risks and provide	public health.
	The scope and duration of the	statistics on passengers and	The scope and duration of the
	temporary reduction to targeted	incidents related to cross-border	temporary reduction to targeted
	checks shall not exceed what is	crime. The risk assessment shall be	checks shall not exceed what is
	strictly necessary and shall be	updated regularly.	strictly necessary and shall be
	defined in accordance with a risk	The duration and location of the	defined in accordance with a risk
	assessment established by the	targeted checks shall not go beyond	assessment established by the
	Member State concerned. The risk	what is strictly necessary and shall	Member State concerned. The risk
	assessment shall explain the reasons	be based on a set of common risk	assesment shall explain the reasons
	for the temporary reduction to	indicators developed by the	for the temporary reduction to
	targeted checks and shall take into	Commission in close cooperation	targeted checks and shall take into
	account, inter alia, the	with the Agency and the Council.	account, inter alia, the
	disproportionate impact on the flow	Where checks have been introduced	disproportionate impact on the flow

	of traffic and assess the possible risks	on a targeted basis in accordance	of traffic and assess the possible risks
	and shall provide for statistics on	with the first subparagraph, all	and shall provide for statistics on
	passengers and incidents related to	persons shall undergo a minimum	passengers and incidents related to
	cross border crime. It shall be	check in order to establish their	• •
			cross border crime. It shall be
	updated regularly.	identities on the basis of the	updated regularly. Persons who have
		production or presentation of their	not undergone the targeted
		travel documents. Such a minimum	consultation in accordance with the
		check shall consist of a speedy and	first subparagraph, shall undergo
		straightforward verification, where	the minimum check mentioned in
		appropriate by using technical	paragraph 2 last subparagraph.
		devices.	
Each Member State shall transmit its	<u>The</u> Member State <u>concerned</u> shall	2c. Prior to the introduction of	The Member State <u>concerned</u> shall
risk assessment to the Agency for the	without delay transmit its risk	checks carried out on a targeted	without delay transmit its risk
Management of Operational	assessment and updates to it to the	basis, each Member State concerned	assessment and updates to it to the
Cooperation at the External Borders	Agency for the Management of	shall, <i>without delay</i> transmit its risk	Agency for the Management of
of the Member States of the	Operational Cooperation at the	assessment, based on common risk	Operational Cooperation at the
European Union established by	External Borders of the Member	indicators, and any updates thereto	External Borders of the Member
Regulation (EC) No 2007/2004 and	States of the European Union	to the Agency for the Management of	States of the European Union
report every three months to the	established by Regulation (EC) No	Operational Cooperation at the	established by Regulation (EC) No
Commission and to that Agency on	2007/2004 and shall report every six	External Borders of the Member	2007/2004 and shall report every six
the application of the checks carried	months to the Commission and to	States of the European Union	months to the Commission and to the
out on a targeted basis.	that Agency on the application of the	established by Regulation (EC) No	Agency on the application of the
	checks carried out on a targeted	2007/2004 ('the Agency'), to the	checks carried out on a targeted
	basis. The Member State concerned	Commission and to any Member	basis. The Member State concerned
	may decide to classify the risk	States with which it shares a border	may decide to classify the risk
	assessment or parts thereof.	and <i>shall</i> report every three months	assessment or parts thereof.
	2b. Where a Member State intends	to the European Parliament, to the	2b. Where a Member State intends
	to carry out targeted consultations	Commission and to <i>the</i> Agency on	to carry out targeted checks pursuant
	pursuant to paragraph 2a, it shall	the application of the checks carried	to paragraph 2a, it shall notify the
	notify the other Member States, the	out on a targeted basis.	other Member States, the Agency
	Agency and the Commission	The Agency shall transmit without	and the Commission accordingly
	accordingly without delay. The	delay its evaluations of the Member	without delay. The Member State

Member State concerned may decideto classify the notification or partsthereof.In case the Member States, theAgency or the Commission have	de State's initial assessment and subsequent reports to all other Member States, indicating whether or not it deems the Member State concerned to have conducted an	concerned may decide to classify the notification or parts thereof. In case the Member States, the Agency or the Commission have concerns about the intention, they
concerns about the intention, they shall notify the Member State in question of these concerns without delay. The Member State in questi shall take these concerns into	on decided to apply targeted checks on the basis of that assessment.	shall notify the Member State in question of these concerns without delay. The Member State in question shall take these concerns into account.
account.	Any classification of the risk assessment and common risk indicators or parts thereof shall comply with Union law and in particular with Regulation (EC) 1049/2001 of the European	
	Parliament and of the Council ^{1a} . ^{1a} Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding	
	public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).	
2c. The Commission shall, before two years after [date to be inserted date of entry into force], transmit to the the European Parliament and the Council an evaluation of the	<u>0</u>	2c.The Commission shall, before two years after [date to be inserted: date of entry into force], transmit to the the European Parliament and the Council an evaluation of the
implementation and consequences paragraphs 2a and 2b.	<u>of</u>	implementation and consequences of paragraphs 2a and 2b.

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2d. With regard to air borders,	2d. With regard to air borders,
paragraphs 2a and 2b shall apply for	paragraphs 2a and 2b shall apply for
a maximum transitional period of six	a maximum transitional period of six
months from [date to be inserted:	months from [date to be inserted:
date of entry into force].	date of entry into force].
<u>2e. The consultation of the</u>	<u>2e. The consultation of the</u>
databases refered to in paragraph	databases refered to in paragraph
2(a), and the consultation of the	2(a), and the consultation of the
relevant Union and national	relevant Union and national
databases refered to in paragraphs	databases refered to in paragraphs
2(b) may be carried out in advance	2(b) may be carried out in advance
based on passenger information	based on passenger information
received in accordance with Council	received in accordance with Council
Directive 2004/82(EC) or in	Directive 2004/82(EC) or in
accordance with other Union or	accordance with other Union or
national legislation.	national legislation.
In case this consultation is carried	In case this consultation is carried
out in advance based on such	out in advance based on such
passenger information, a verification	passenger information, a verification
shall take place at the border crossing	shall take place at the border crossing
point. This process shall consist of a	point. This process shall consist of a
verification of the received advanced	verification of the received advanced
data against the data in the travel	data against the data in the travel
document and the verification of the	document and the verification of the
identity and the nationality of the	identity and the nationality of the
person concerned, as well as the	person concerned, as well as the
validity and the authenticity of the	validity and the authenticity of the
travel document.	travel document.
2f. By derogation to paragraph 2,	2f. By derogation to paragraph 2,
the persons enjoying the right of free	the persons enjoying the right of free
movement under Union law who	movement under Union law who
cross the internal land borders of the	cross the internal land borders of the

verification in accordance with the applicable Schengen evaluation procedures has already been successfully completed, but for which the decision on the lifting of controls on their internal borders pursuant to relevant provisions of relevant provisions of relevant consumption of the decision on the lifting of controls on their internal borders pursuant to relevant provisions of relevant consumption of the decision on the lifting of vet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.vet been taken, shall be subject to the checks on a risk assessment.(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:"(i) the Schengen Information System;		
applicable Schengen evaluation procedures has already been successfully completed, but for which the decision on the lifting of controls on their internal borders pursuant to relevant provisions of relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.aparagraph only on a risk assessment.(a)Paragraph 3(a)(i) and (ii) are replaced by the following:"(i)Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:"(i)the relevant particular:(1)the Schengen Information System;(1)the Schengen Information System;(1)	Member States for which the	Member States for which the
procedures has already beenprocedures has already beensuccessfully completed, but forsuccessfully completed, but forwhich the decision on the lifting ofwhich the decision on the lifting ofcontrols on their internal borderscontrols on their internal borderspursuant to relevant provisions ofrelevant Acts of Accession has notyet been taken, shall be subject to thechecks on exit referred to in thatparagraph only on a non-systematicparagraph only on a non-systematicbasis, based on a risk assessment,basis, based on a risk assessment,(a) Paragraph 3(a)(i) and (ii) arereplaced by the following:"(i) Verification of the identity andthe nationality of the third countrynational and the validity andauthenticity of the travel document,including by consulting the relevantdatabases, in particular:(1) the Schengen Information(1) the Schengen InformationSystem;System;		
successfully completed, but forsuccessfully completed, but forwhich the decision on the lifting of controls on their internal borderswhich the decision on the lifting of controls on their internal borderspursuant to relevant provisions of relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment,relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment,gaargargaph only on a non-systematic basis, based on a risk assessment, (a) Paragraph 3(a)(i) and (ii) are replaced by the following;(a) Paragraph 3(a)(i) and (ii) are replaced by the following;"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular;(i) the Schengen Information System;(1) the Schengen Information System;(1) the Schengen Information System;(1) the Schengen Information		
which the decision on the lifting of controls on their internal borders pursuant to relevant provisions of relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.which the decision on the lifting of controls on their internal borders pursuant to relevant provisions of relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.which the decision on the lifting of controls on their internal borders pursuant to relevant provisions of relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:"(1) the Schengen Information System;	procedures has already been	procedures has already been
controls on their internal borderscontrols on their internal borderspursuant to relevant provisions ofrelevant Acts of Accession has notyet been taken, shall be subject to theyet been taken, shall be subject to thechecks on exit referred to in thatparagraph only on a non-systematicparagraph only on a non-systematicbasis, based on a risk assessment.(aa) Paragraph 3(a)(i) and (ii) arereplaced by the following:"(i) Verification of the identity and"(i) Verification of the identity andthe nationality of the third countrynational and the validity andauthenticity of the travel document,including by consulting the relevantdatabases, in particular:(1) the Schengen InformationSystem;(1) the Schengen Information	successfully completed, but for	successfully completed, but for
pursuant to relevant provisions of relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.pursuant to relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.pursuant or relevant provisions of relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.pursuant or relevant provisions of relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:(1) the Schengen Information System;(1) the Schengen Information System;	which the decision on the lifting of	which the decision on the lifting of
relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.relevant Acts of Accession has not yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:"(i) the Schengen Information System;(1) the Schengen Information(1) the Schengen Information System;(1) the Schengen Information	controls on their internal borders	controls on their internal borders
yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.yet been taken, shall be subject to the checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:"(i) the Schengen Information System;(1) the Schengen Information(1) the Schengen Information System;(1) the Schengen Information	pursuant to relevant provisions of	pursuant to relevant provisions of
checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.checks on exit referred to in that paragraph only on a non-systematic basis, based on a risk assessment.(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:"(i) The Schengen Information System;(1) the Schengen Information System;(1) the Schengen Information System;(1) the Schengen Information System;	relevant Acts of Accession has not	relevant Acts of Accession has not
paragraph only on a non-systematic basis, based on a risk assessment.paragraph only on a non-systematic basis, based on a risk assessment.(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:"(i) the Schengen Information System;(1) the Schengen Information System;(1) the Schengen Information System;(1) the Schengen Information System;	yet been taken, shall be subject to the	yet been taken, shall be subject to the
basis, based on a risk assessment.basis, based on a risk assessment.(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:(aa) Paragraph 3(a)(i) and (ii) are replaced by the following:"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:"(i) the Schengen Information System;(1) the Schengen Information System;(1) the Schengen Information System;(1) the Schengen Information System;	checks on exit referred to in that	checks on exit referred to in that
(aa)Paragraph 3(a)(i) and (ii) are replaced by the following:(aa)Paragraph 3(a)(i) and (ii) are replaced by the following:"(i)Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:"(i)Verification of the identity and the nationality of the travel document, including by consulting the relevant databases, in particular:(1)the Schengen Information System;(1)the Schengen Information System;	paragraph only on a non-systematic	paragraph only on a non-systematic
replaced by the following:replaced by the following:"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:authenticity of the travel document, including by consulting the relevant databases, in particular:(1) the Schengen Information System;(1) the Schengen Information System;(1) the Schengen Information System;	basis, based on a risk assessment.	basis, based on a risk assessment.
"(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular: "(i) Verification of the identity and the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular: (1) the Schengen Information System; (1) the Schengen Information System;	(aa) Paragraph 3 (a)(i) and (ii) are	(aa) Paragraph 3 (a)(i) and (ii) are
the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:the nationality of the third country national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:(1)the Schengen Information System;(1)(1)the Schengen Information System;(1)	replaced by the following:	replaced by the following:
national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:national and the validity and authenticity of the travel document, including by consulting the relevant databases, in particular:(1)the Schengen Information 	"(i) Verification of the identity and	"(i) Verification of the identity and
authenticity of the travel document, including by consulting the relevant databases, in particular: authenticity of the travel document, including by consulting the relevant databases, in particular: (1) the Schengen Information System; (1)	the nationality of the third country	the nationality of the third country
including by consulting the relevant databases, in particular: including by consulting the relevant databases, in particular: (1) the Schengen Information System; (1)	national and the validity and	national and the validity and
databases, in particular: databases, in particular: (1) the Schengen Information System; System;	authenticity of the travel document,	authenticity of the travel document,
(1) the Schengen Information (1) the Schengen Information System; System;	including by consulting the relevant	including by consulting the relevant
System; System;	databases, in particular:	databases, in particular:
	(1) the Schengen Information	(1) the Schengen Information
(2) the Internal database on stalen	System;	System;
(2) the interpol database on storen (2) the interpol database on storen (2)	(2) the Interpol database on stolen	(2) the Interpol database on stolen
and lost travel documents; and lost travel documents;	and lost travel documents;	and lost travel documents;
(3) national databases containing (3) national databases containing	(3) national databases containing	(3) national databases containing
information on stolen, information on stolen,	information on stolen,	information on stolen,
misappropriated, lost and invalidated misappropriated, lost and invalidated		misappropriated, lost and invalidated
travel documents travel documents		travel documents
For passport and travel documents For passport and travel documents	For passport and travel documents	For passport and travel documents
containing a storage medium, the	containing a storage medium, the	1 1 1 I I I I I I I I I I I I I I I I I
authenticity of the chip data shall be authenticity of the chip data shall be	authenticity of the chip data shall be	

	checked, subject to the availability of		checked, subject to the availability of
	valid certificates.		valid certificates.
	(ii) verification that the travel		(ii) verification that the travel
	document is accompanied, where		document is accompanied, where
	applicable, by the requisite visa or		applicable, by the requisite visa or
	residence permit."		residence permit."
	•	The competent Member State shall	Moved to the new recital 8a.
		ensure that the border authorities	
		have sufficient technical, financial	Already mentioned in Article 15 of
		and human resources to prevent, as	SBC (2016/399).
		a rule, the additional checks	×
		causing longer waiting times and	
		hindering the flow of traffic at the	
		external borders.	
(b) In paragraph 3(b), point (iii) is	(b) Paragraph 3(b)(iii) is replaced		(b) Paragraph 3(b)(iii) is replaced
replaced by the following:	by the following:		by the following:
"(iii) verification that the third-	"(iii) verification that the third-	(iii) verification that the third-	"(iii) verification that the third-
country national concerned is not	country national concerned is not	country national concerned is not	country national concerned is not
considered to be a threat to public	considered to be a threat to public	considered to be a threat to public	considered to be a threat to public
policy, internal security or	policy, internal security or	policy, internal security or	policy, internal security or
international relations of any of the	international relations of any of the	international relations of any of the	international relations of any of the
Member States, including by	Member States, including by	Member States, including by	Member States, including by
consulting the relevant Union and	consulting the relevant Union and	consulting the relevant Union and	consulting the relevant Union and
national databases, in particular the	national databases, in particular the	national databases, <i>including, on a</i>	national databases, in particular the
Schengen Information System;".	Schengen Information System;".	mandatory basis, the Schengen	Schengen Information System;".
		Information System;	
(c) In paragraph (3)(c), point (iii)	(c) Paragraph 3(c)(iii) is deleted.		(c) Paragraph 3(c)(iii) is deleted.
is deleted.			
	(d) In paragraph 3, the following		(d) In paragraph 3, the following
	points are added:		points are added:
	"(x) The consultation of the		"(x) The consultation of the
	databases refered to in paragraph		databases refered to in paragraph

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3(a)(i), and the consultation of the		3(a)(i), and the consultation of the
relevant Union and national		relevant Union and national
databases refered to in paragraphs		databases refered to in paragraphs
<u>3(a)(vi) may be carried out in</u>		<u>3(a)(vi) may be carried out in</u>
advance based on passenger		advance based on passenger
information received in accordance		information received in accordance
with Council Directive 2004/82(EC)		with Council Directive 2004/82(EC)
or with other Union or national		or with other Union or national
legislation.		legislation.
In case this consultation is carried		In case this consultation is carried
out in advance based on such		out in advance based on such
passenger information, a verification		passenger information, a verification
shall take place at the border crossing		shall take place at the border crossing
point. This process shall consist of a		point. This process shall consist of a
verification of the received advanced		verification of the received advanced
data against the data in the travel		data against the data in the travel
document and the verification of the		document and the verification of the
identity and the nationality of the		identity and the nationality of the
person concerned, as well as the		person concerned, as well as the
validity and the authenticity of the		validity and the authenticity of the
travel document. "		travel document. "
(y) Where there is doubt on the		(y) <u>Where there is doubt on the</u>
authenticity of the travel document or		authenticity of the travel document or
on the identity of the third country		on the identity of the third country
national, the checks, where possible,		national, the checks, where possible,
shall include the verification of at		shall include the verification of at
least one of the biometric identifiers		least one of the biometric identifiers
integrated in the travel documents."		integrated in the travel documents."
	Article 1a	
	The Commission shall publish an	
	study on the impact of this	
	Regulation on the flow of traffic on	

		the entry and exit at Schengen external borders by [one year after the date of entry into force of this Regulation]. Article 1b	
		By [two years after the date of entry into force of this Regulation], the Commission shall submit to the European Parliament and to the Council a report evaluating the implementation and consequences of Article 7(2) of Regulation (EC) No 562/2006 as amended by this Regulation.	Mentioned in 2c.
Article 2	Article 2		
This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official</i> <i>Journal of the European Union</i> . This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	Entry into force and applicability This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.		This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.
		It shall apply from [the date of entry into force of this Regulation] to [five years after the date of entry into force of this Regulation]. The European Parliament and the Council may, following a proposal by the Commission, extend the application of this Regulation. If so,	

				this Regulation shall expire five years after the expiry of any such extension. Upon expiry of this Regulation, the version of Article 7(2) and (3)(b)(iii) and (c)(iii) of Regulation (EC) 562/2006 applicable before [the date of entry into force of this Regulation] shall apply.		
Done at Strasbou	ırg,	Done at Strasbo	urg,		Done at Strasbo	urg,
For the EP	For the Council	<i>For the EP</i>	For the Council		For the EP	For the Council
The President	The President	The President	The President		The President	The President