



Council of the
European Union

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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 (EU) No 2016/399 as regards the use of the
Entry/Exit System

Delegation will find attached a Presidency compromise text of the above Proposal. The compromise suggestions reflect the discussions and the relevant contributions by delegations put forward during the previous readings of the draft Regulation.

The new additions are highlighted in **bold/underline**. The changes already included in the previous version of the text (doc. 12178/16) are highlighted in underline. Deletions of parts of the Commission's proposal are marked as [...].

ANNEX

to the

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System

ANNEX

Annexes to Regulation (EU) 2016/399 are amended as follows:

1. Part D and E is added to Annex III:

"PART D

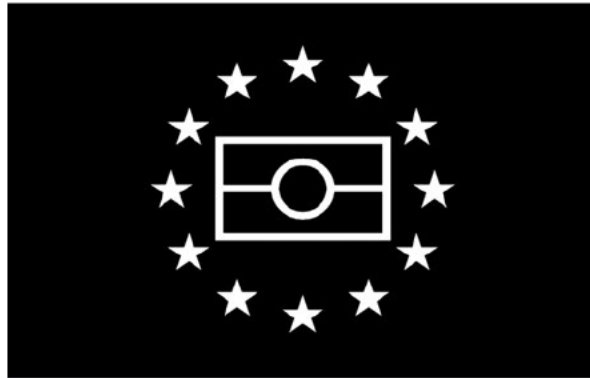
Part D1: ABC lanes for EU/EEA/CH citizens



EU / EEA / CH
CITIZENS

Stars are not required for Switzerland, Liechtenstein, Norway and Iceland

Part D2: ABC lanes for third country nationals



**THIRD-COUNTRY
NATIONALS**

Stars are not required for Switzerland, Liechtenstein, Norway and Iceland

Part D3: ABC lanes for all passports



ALL-PASSPORTS

Stars are not required for Switzerland, Liechtenstein, Norway and Iceland"

Part E: Lanes for Registered Travelers



2. Annex IV is amended as follows:

(a) point 1 is replaced by the following:

"1. The travel document to which a Facilitated Rail Transit Document issued in accordance with Regulation (EC) No 693/2003 is affixed may be stamped on entry and exit in accordance with Article 11. Besides, where provided expressly by its national legislation, a Member State may stamp on entry and exit the travel document of those third country nationals holding a residence permit or long-stay visa issued by that same Member State in accordance with Article 11. In addition, in accordance with Annex V part A, where third country nationals are refused entry pursuant to Article 14, the border guard shall affix an entry stamp on the passport, cancelled by a cross in indelible black ink, and write opposite it on the right-hand side, also in indelible ink, the letter(s) corresponding to the reason(s) for refusing entry, the list of which is given on the standard form for refusing entry shown in Part B of Annex V."

(b) point 1a is added:

"The specifications of those stamps are laid down in the Schengen Executive Committee Decision SCH/COM-EX (94) 16 rev and SCH/Gem-Handb (93) 15 (CONFIDENTIAL)."

(c) point 3 is replaced by the following:

"3. In case of refusal of entry of a third country national subject to the visa obligation, the stamp shall, as a general rule, be affixed on the page facing the one on which the visa is affixed.

If that page cannot be used, the stamp shall be entered on the following page. The machine readable zone shall not be stamped."

3. Annex V part A is amended as follows:

(d) point 1(b) is replaced by the following:

"(b) for third country nationals whose entry for a short stay [or on the basis of a touring visa] has been refused, the data on refusal of entry shall be registered into the EES in accordance with Article 6a(2) of this Regulation and Article 16 of [Regulation establishing the Entry/Exit System (EES)]. In addition, the border guard shall affix an entry stamp on the passport, cancelled by a cross in indelible black ink, and write opposite it on the right-hand side, also in indelible ink, the letter(s) corresponding to the reason(s) for refusing entry, the list of which is given on the standard form for refusing entry shown in Part B of this Annex;"

(e) point 1(d) is replaced by the following:

"(d) for third country nationals whose refusals of entry shall not be registered into the EES, the border guard shall affix an entry stamp on the passport, cancelled by a cross in indelible black ink, and write opposite it on the right-hand side, also in indelible ink, the letter(s) corresponding to the reason(s) for refusing entry, the list of which is given on the standard form for refusing entry shown in Part B of this Annex. In addition, for these categories of persons, the border guard shall record every refusal of entry in a register or on a list stating the identity and nationality of the third country national concerned, the references of the document authorising the third country national to cross the border and the reason for, and date of, refusal of entry;"

(f) point 1(e) is added:

"(e) The practical arrangements for stamping are set out in Annex IV."

(4) In Annex V, part B, in the Standard form for refusal of entry at the border, is amended as follows:

(J) has refused to provide the biometric data, if required

for the creation of the individual file in the Entry/Exit system

to carry out the border check.

(5) Annex VII is amended as follows:

point 1 is replaced by the following:

By way of derogation from Article 6 and Articles 8 to 14, Heads of State, heads of government and members of national government with accompanying spouses, sovereigns and other senior members of a royal family and the members of their delegation, whose arrival and departure have been officially announced through diplomatic channels to the border guards, may not be subject to border checks.

(6) The following Annex IX is added:

"Annex IX

Procedures for border checks applicable to the Member States not operating the EES pending their connection to the EES

By derogation to Article 2(2) of Regulation XXXX/XXXX amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System, during the transitional period pending their connection to the EES in accordance with Article 60(1b) of [Regulation (EU) N° XXX of the European Parliament and of the Council establishing the Entry/Exit System (EES) to register entry and exit data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes], Member States not operating the EES, for checks on borders shall not apply procedures set out in Articles 6 to 14 of this Regulation, but instead, shall apply the procedures set out in this Annex.

Article 6

[reproduce the whole text in its version from before the entry into force of this Regulation]

Article 7

[reproduce the whole text in its version from before the entry into force of this Regulation]

Article 8

[reproduce the whole text in its version from before the entry into force of this Regulation]

Article 9

[reproduce the whole text in its version from before the entry into force of this Regulation]

Article 10

[reproduce the whole text in its version from before the entry into force of this Regulation]

Article 11

[reproduce the whole text in its version from before the entry into force of this Regulation]

Article 12

[reproduce the whole text in its version from before the entry into force of this Regulation]

Article 13

[reproduce the whole text in its version from before the entry into force of this Regulation]

Article 14

[reproduce the whole text in its version from before the entry into force of this Regulation]"
