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NOTE

From:	Presidency
То:	Permanent Representatives Committee/Mixed Comittee
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 (first reading)

- The Commission presented its Border legislative package on 15 December 2015, after which the Council agreed on its general approach on the aforementioned proposal on 25 February 2016.
- After the European Parliament (LIBE Committee) voted its Report on the proposal on 21 June 2016, political trilogues were held on 13 July and 11 October 2016, along with several technical meetings.
- 3. The JHA Counsellors discussed the remaining outstanding issues in the interinstitutional negotiations on 8 November 2016 with a view to reaching an agreement thereon that would allow the Presidency to conclude the discussions with the European Parliament as soon as possible.

- 4. These issues concern: a) the length of the possible derogation from systematic checks at the air borders Article 7 2d for a transitional period, with a possible prolongation under specific circumstances for a further period, where the European Parliament insists on a total period of at least 24 months, and b) the databases to be consulted when verifying persons enjoying the right of free movement Article 7(2b) for which the European Parliament wants to specify which international databases could fall within the scope of the provision.
- 5. The Permanent Representatives Committee is invited to give the Presidency a mandate to negotiate an agreement with the European Parliament on the draft Regulation, on the basis of the compromise text in the Annex.
- 6. The text of the proposal is set out in the annexed four-column document; changes are <u>underlined</u> and/or indicated in <u>bold</u>. It should be noted that the wording of the Recitals will be adapted in due time to reflect the relevant Articles once these have been agreed. Equally, Article 7 2c (on the evaluation by the Commission of the implementation and consequences of the future regulation) will be adapted in due time to reflect the relevant provisions, i.e. Article 7 2d (on the derogation for air borders).

ANNEX

Proposal for a R	egulation of the European Parliament an	d of the Council amending Regulation N	<u>AININEA</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 one of the main safeguards	
of the area without controls at	of the area without controls at	efficient way to guarantee the long-	of the area without controls at	
internal borders. It is carried out in	internal borders. It is carried out in	term security of the Union. Border	internal borders and it significantly	
the interest of all Member States.	the interest of all Member States.	<i>control at the external borders</i> is	contributes to guaranteeing 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 and the	
is to prevent any threat to the	is to prevent any threat to the	Member States. One of the purposes	citizens. It is carried out in the	
Member States' internal security and	Member States' internal security and	of such control is to <i>contribute to</i>	interest of all Member States. One of	
public policy, irrespectively of the	public policy, irrespectively of the	fighting irregular migration and	the purposes of such control is to	
origin of such threat.	origin of such threat.	human trafficking and to prevent,	prevent any threat to the Member	
		<i>inter alia</i> , any threat to the Member	States' internal security and public	
		States' internal security and public	policy, irrespective of the origin of	
		policy and public health,	such threat, including where such a	
		<i>irrespective</i> of the origin of such	threat derives from Union citizens.	
		threat, <i>including where such a</i>		
		threat derives from Union citizens.		



(1a) The implementation of this	A new recital 4b. was drafted.
Regulation should take into account	11 new rectail 40. was arafted.
the Universal Declaration of	
Human Rights, the Convention for	
the Protection of Human Rights and	
Fundamental Freedoms and Article	
2 of the Treaty on European Union	
(TEU). Respect for Regulation (EC)	
45/2001 ^{1a} and all Union law relating	
to data protection should be a	
primary obligation of Members	
States when implementing this	
Regulation.	
^{1a} Regulation (EC) No 45/2001 of	
the European Parliament and of the	
Council of 18 December 2000 on	
the protection of individuals with	
regard to the processing of personal	
data by the institutions and bodies	
of the Community and on the free	
movement of such data (OJ L 8,	
12.1.2001, p. 1).	
(1b) Border checks should be	A new recital 4b. was drafted.
carried out in such a way as to fully	°
respect human dignity. Border	
control should be carried out in a	
professional and respectful manner	
and should be proportionate to the	
objectives pursued.	
oojeeuves pursueu.	

(2) The phenomenon of foreign	(2) The phenomenon of foreign	(2) Although current minimum	(2) Minimum checks based on a
terrorist fighters, many of whom are	terrorist fighters, many of whom are	systematic checks based on a rapid	rapid and straightforward verification
Union citizens, demonstrates the	Union citizens, demonstrates the	and straightforward verification of	of the validity of the travel document
necessity to strengthen the checks at	necessity to strengthen the checks at	the validity of the travel document is	for crossing the border and of its
external borders with regard to Union	external borders with regard to Union	currently the rule for persons	holder, are currently the rule for
citizens.	citizens.	enjoying the right of free movement	persons enjoying the right of free
chizens.	citizens.	<i>under Union law</i> , the phenomenon	movement under Union law.
		of foreign terrorist fighters, many of	The phenomenon of foreign terrorist
		whom are Union citizens, and the	1 0
		,	fighters, many of whom are Union
		evolution of organised crime,	citizens demonstrates the necessity to
		<i>demonstrate</i> the necessity to	strengthen the checks at external
		strengthen the checks at external	borders with regard to [] <u>persons</u>
		borders with regard to Union citizens	enjoying the right of free movement
		by consulting relevant databases	<u>under Union law.</u>
		and, where there is doubt as to the	
		authenticity of the travel document	
		or the identity of its holder,	
		verification of biometric identifiers.	
		(2a) An equivalent level of security	
		should be afforded to Union citizens	
		throughout the Union.	
(3) The documents of persons	(3) The documents of persons	(3) The documents of persons	(3) The documents of persons
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 should therefore be	under Union law should therefore be	under Union law should therefore, as	under Union law should therefore be
checked systematically against	checked systematically against	a general rule, be checked	checked systematically on entry into
relevant databases related to stolen,	relevant databases related to stolen,	systematically, on entry into and on	and on exit from the territory of
misappropriated, lost and invalidated	misappropriated, lost and invalidated	exit from the territory of the Union,	Member States against relevant
travel documents in order to avoid	travel documents in order to avoid	against relevant databases related to	databases related to stolen,
that persons hide their real identity.	that persons hide their real identity.	stolen, misappropriated, lost,	misappropriated, lost and invalidated
		fraudulent and invalidated travel	travel documents in order to avoid
		documents in order to avoid that	that persons hide their real identity.
		persons hide their real identity.	Where there is a doubt as to the

		Member States should ensure an electronic connection to Interpol 's Stolen and Lost Travel Documents database (SLTD) at external border crossing points.	<u>authenticity</u> and validity for <u>crossing the border of the travel</u> <u>document or the identity of its</u> <u>holder, verification of biometric</u> <u>identifiers should be done.</u>
(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. To that end, the Member States should ensure that their border guards have access to the relevant national and European data banks, including the Schengen Information System (SIS) and the Europol Information System (EIS).	 <u>3a) Member States are obliged to</u> <u>check systematically third country</u> <u>nationals against all databases on</u> <u>entry. It should be ensured that such</u> <u>checks are also carried out</u> <u>systematically on exit.</u> (4) Border guards should for the same reason also systematically check persons enjoying the right of free movement under Union law against [] the Schengen Information System, other relevant Union databases international and Interpol's databases. This is without prejudice to the consultation of national databases.

	(4a) To that end, the Member States
	should ensure that their border
	guards have access at external border
	crossing points to the relevant
	national and European databases,
	including the Schengen Information
	System (SIS) and Interpol's Stolen
	and Lost Travel Documents database
	(SLTD) in order to ensure full
	implementation of these provisions.
	(4b) These new systematic checks
	should be carried out in full
	compliance with relevant Union law,
	including the Charter of Fundamental
	Rights of the European Union, in
	accordance with Article 4 SBC and
	should fully respect human dignity,
	in accordance with Article 7
	Schengen borders code.
	(4c) In accordance with Article 15
	Schengen borders code, the Member
	States should deploy appropriate
	staff and resources in sufficient
	numbers to carry out systematic
	checks to prevent that these checks
	would cause disproportionate waiting
	times and hinder the flow of traffic at
	the external borders.



	(4a) The obligation of systematic		(4d) 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		may be subject to those checks only
	only on a non-systematic basis, based		on a non-systematic basis, based on a
	on a risk assessment.		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
process of crossing the border, as the	process of crossing the border, as the	<i>duration</i> of crossing the border, as	on the duration of crossing the
controls on documents and persons	controls on documents and persons	the controls on documents and	border, as the controls on documents
can be carried out in parallel.	can be carried out in parallel.	persons can be carried out in parallel.	and persons can be carried out in
It is therefore possible without	Automatic border control gates may	Synergies, convergence and	parallel. Automatic border control
negative effect on persons travelling	be relevant in that context. The use	interconnectivity between	gates may be relevant in that context.
in good faith to strengthen checks at	of passenger information received in	information systems and their	The use of passenger information



automal handons to hotton identify	accordance with Council Directive	a anno an din a infrantru atura fan	reasized in accordance with Council
external borders to better identify	accordance with Council Directive	corresponding infrastructure for	received in accordance with Council
those persons who intend to hide	2004/82/EC, or in accordance with	Union border management and for	Directive 2004/82/EC, or in
their real identity or who are subject	other Union or national legislation,	customs operations should be	accordance with other Union or
to relevant alerts for security reasons	may also contribute to speeding up	structurally improved by making	national legislation, may also
or for arrest. Systematic checks	the process of required controls	data management in the Union	contribute to speeding up the process
should be carried out at all external	during the border crossing process. It	more effective, efficient,	of required controls during the border
borders.	is therefore possible without	interoperable and compatible, with	crossing process.
(text c'tued below, in next row)	disproportionate negative effect on	full respect for data protection	It is therefore possible without
	persons travelling in good faith to	requirements, in order to better	disproportionate negative effect on
	strengthen checks at external borders	protect the external borders and	persons travelling in good faith to
	to better identify those persons who	enhance the internal security of the	strengthen checks at external borders
	intend to hide their real identity or	Union, for the benefit of all Union	to better identify those persons who
	who are subject to relevant alerts for	citizens. Strengthening checks at	intend to hide their real identity or
	security reasons or for arrest.	external borders to better identify	who are subject to relevant alerts for
	Systematic checks should be carried	those persons who intend to hide	security reasons or for arrest.
	out at all external borders.	their real identity or who are subject	Systematic checks should be carried
		to relevant alerts for security reasons	out at all external borders.
		or for arrest <i>could have a negative</i>	(see (5a) below)
		effect on persons travelling in good	
		faith. Nevertheless, as a general	
		<i>rule, systematic</i> checks should be	
		carried out at all external borders.	
		The use of passenger information	
		received in accordance with Council	
		Directive $2004/82/EC^{7a}$, or with	
		other Union or national law, may	
		contribute to accelerating the	
		process of required checks during	
		the border crossing process.	
		(text c'tued below, in next row)	

However, if systematic checks at	(5a) However, if systematic checks	However, if systematic checks at	(5a) However, if systematic checks
land and sea borders were to have a	at () borders were to have a	borders were to have a	at [] borders were to have a
disproportionate impact on the flow	disproportionate impact on the flow	disproportionate impact, <i>for example</i>	disproportionate impact on the flow
of traffic at the border, Member	of traffic at the border, Member	on the flow of traffic at the border,	of traffic at the border, Member
States should be allowed not to carry	States should be allowed not to carry	Member States <i>concerned</i> should be	States should be allowed not to carry
out systematic checks against	out systematic checks against	<i>able</i> to carry out <i>targeted</i> checks	out systematic checks consultations
databases but only if based on a risk	databases but only if based on a risk	against <i>all relevant</i> databases <i>at</i>	against databases but only if based
analysis assessing that such a	analysis assessing that such a	specified border crossing points, but	on a risk analysis assessing that such
relaxation would not lead to a	relaxation would not lead to a	only if based on a risk assessment	a relaxation would not lead to a
security risk. Such risk assessment	security risk. Such risk assessment	evaluating that such a relaxation	security risk. Such risk assessment
should be transmitted to the Agency	should be transmitted to the Agency	would not lead to a security risk.	should be transmitted to the Agency
for the Management of Operational	for the Management of Operational	Such risk assessment should be	for the Management of Operational
Cooperation at the External Borders	Cooperation at the External Borders	based on a set of common risk	Cooperation at the External Borders
of the Member States of the	of the Member States of the	indicators developed by the	of the Member States of the
European Union established by	European Union established by	Commission, in close cooperation	European Union established by
Council Regulation (EC) No	Council Regulation (EC) No	with the European Agency for the	Council Regulation (EC) No
$2007/2004^{1}$ and be the subject of	$2007/2004^2$ and be the subject of	Management of Operational	$2007/2004^3$ and be the subject of
regular reporting both to the	regular reporting both to the	Cooperation at the External Borders	regular reporting both to the
Commission and to the Agency.	Commission and to the Agency. This	of the Member States of the	Commission and to the Agency. This
	derogation should, however, only	European Union established by	derogation should, however, only
	apply for a limited transitional period	Council Regulation (EC) No	apply for a limited transitional period
	regarding air borders.	2007/2004 ^{7b} ('the Agency') and with	to air borders.
		the Council. The risk assessment	At the border crossing points
		should be immediately transmitted to	benefiting from such derogations, at
		the Agency, to the Commission and	least the identity of persons enjoying

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).

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).

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).

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. 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).	the right of free movement under Union law must be established on the basis of the production or presentation of an authentic travel document which is valid for crossing the border. For this purpose those persons should be in particular subject to a rapid and straightforward verification of the validity of the travel document for crossing the border, and of the presence of signs of falsification or counterfeiting, where appropriate by using technical devices, and in case of doubts about the travel document and/or where there are indications that such a person may represent a threat to public policy, internal security or public health of the Member States, the border guard should carry out the consultation of all relevant databases in accordance with this <u>Regulation.</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	[Some of these categories are mentioned in Annex VI of SBC.]

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;
holders of diplomatic, official or
service passports and members of
international organisations; rescue
services, police and fire brigades
and border guards; off-shore
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} .
Turuament and of the Council.
$\overline{I_a}$ 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

		$\mathbf{D}_{1} = \mathbf{I}_{1} = \mathbf{C}_{1} + \mathbf{C}_{2} + \mathbf{C}_{1} + \mathbf{C}_{2} $	
		Borders Code) (OJ L 105,	
		13.4.2006, p. 1).	
	(5b) Where a Member State intends	(5b) Where a Member State intends	(5b) <u>Where a Member State intends</u>
	to carry out targeted consultations	to carry out targeted checks and	to carry out targeted consultations
	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)	(6) With Council Regulation (EC)	(6) With Council Regulation (EC)	(6) With Council Regulation (EC)
No 2252/2004 ⁴ , the Union	No 2252/2004 ⁵ , the Union	No 2252/2004 ⁹ , the Union introduced	No 2252/2004 ⁹ , the Union introduced
introduced the facial image and	introduced the facial image and	the facial image and fingerprints as	the facial image and fingerprints as
fingerprints as security elements in	fingerprints as security elements in	security elements in the passport of	security elements in the passport of
the passport of Union citizens. These	the passport of Union citizens. These	Union citizens. These security	Union citizens. These security
security features have been	security features have been	features have been introduced in	features have been introduced in
introduced in order to render the	introduced in order to render the	order to render the passports more	order to render the passports more
passports more secure and establish a	passports more secure and establish a	secure and establish a reliable link	secure and establish a reliable link
reliable link between the holder and	reliable link between the holder and	between the holder and the passport.	between the holder and the passport.
the passport. Member States should	the passport. Member States should	Member States should therefore	Member States should therefore

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).

therefore verify these biometric	therefore verify <u>at least one of</u> these	verify <i>at least one of</i> these biometric	verify <u>at least one of</u> these biometric
identifiers, in case of doubts on the	biometric identifiers, in case of	identifiers, in case of doubts on the	identifiers, in case of doubts on the
authenticity of the passport or on the	doubts on the authenticity of the	authenticity of the <i>travel document</i>	authenticity and validity of the
identity of its holder.	travel document or on the identity of	or on the identity of its holder. The	passport travel document for
	its holder. The same approach should	same verification should apply,	crossing the border, or on the
	apply to the checks on the third-	where possible, to third-country	identity of its holder. The same
	country nationals, where this is	nationals.	approach should apply to the checks
	possible.		on the third-country nationals, where
	*	⁹ Council Regulation (EC) No	this is possible.
		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	(6a) In order to facilitate the
		by the Member States do not have	systematic checks against databases,
		2	
		any security features such as facial	Member States should phase out
		image or fingerprints. In order to	travel documents without machine
		make it possible for systematic	<u>readable zone.</u>
		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.	
(7) This Regulation is without	(7) This Regulation is without	÷	(7) This Regulation is without
prejudice to the application of	prejudice to the application of		prejudice to the application of
Directive 2004/38/EC of the	Directive 2004/38/EC of the		Directive 2004/38/EC of the

European Parliament and of the	European Parliament and of the	European Parliament and of the
Council ⁶ .	Council ⁷ .	Council ⁸ .

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).

		(7a) Member States should, in	(7a) Member States should also, in
		accordance with the applicable	their own interest and in the interests
		Union and national law, exchange	of other Member States, enter data
		data, regularly update their existing	into the European databases. Equally,
		relevant databases, make full use of	they should ensure that the data are
		existing information systems and	accurate and up-to-date and obtained
		establish the necessary technical	and entered lawfully.
		connections to all information	
		systems and databases. Member	
		States should, in this regard,	
		exchange best practices with each	
		other.	
(8) Member States are obliged to	(8) (moved up in the Preamble and	(8) Member States are obliged to	[Mentioned in recital 3a.]
check systematically third country	became Recital 3a).	check systematically third country	-
nationals against all databases on		nationals against all databases on	
entry. It should be ensured that such		entry. In the same way, Member	
checks are also carried out		States should ensure that such	
systematically on exit.		checks are carried out systematically	
		on exit.	
(9) Since the objective of this	(9) Since the objective of this	(9) Since the objective of this	(9) Since the objective of this
Regulation, namely reinforcing the	Regulation, namely reinforcing the	Regulation, namely <i>improving</i> the	Regulation, namely reinforcing the
checks against databases at external	checks against databases at external	checks against databases at external	checks against databases at external
borders in reply in particular to the	borders in reply in particular to the	borders, <i>which</i> concerns one of the	borders in reply in particular to the
increase of the terrorist threat	increase of the terrorist threat	safeguards of the area without	increase of the terrorist threat
concerns one of the safeguards of the	concerns one of the safeguards of the	internal border control and as such	concerns one of the safeguards of the
area without internal border control	area without internal border control	concerns the proper functioning of	area without internal border control
and as such concerns the proper	and as such concerns the proper	the Schengen area, cannot be	and as such concerns the proper
functioning of the Schengen area, it	functioning of the Schengen area, it	sufficiently achieved by the Member	functioning of the Schengen area, it
cannot be sufficiently achieved by	cannot be sufficiently achieved by	States, but can rather, by reason of	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 that 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
1 1		1 1
Schengen <i>acquis</i> , in which the	Schengen <i>acquis</i> , 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
is therefore not taking part in the	is therefore not taking part in the	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 in
not taking part in the adoption of this	not taking part in the adoption of this	the adoption of this Regulation and is
Regulation and is not bound by it or	Regulation and is not bound by it or	not bound by it or subject to its
subject to its application.	subject to its application.	application.

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).

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).

(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 <i>acquis</i> 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
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 to
referred to in point A of Article 1 of	referred to in point A of Article 1 of	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

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).

development of the Schengen	development of the Schengen	de	evelopment of the Schengen acquis
<i>acquis</i> ¹⁷ which fall within the area	<i>acquis</i> ¹⁹ which fall within the area		hich 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	19	999/437/EC read in conjunction
conjunction with Article 3 of Council	conjunction with Article 3 of Council	W	ith Article 3 of Council Decision
Decision 2008/146/EC ¹⁸ .	Decision 2008/146/EC ²⁰ .	20	008/146/EC.
(15) As regards Liechtenstein, this	(15) As regards Liechtenstein, this	(1	5) As regards Liechtenstein, this
Regulation constitutes a development	Regulation constitutes a development	R	egulation constitutes a development
of the provisions of the Schengen	of the provisions of the Schengen	of	f the provisions of the Schengen
acquis within the meaning of the	acquis within the meaning of the	ac	<i>cquis</i> within the meaning of the
Protocol between the European	Protocol between the European	Pi	rotocol between the European
Union, the European Community, the	Union, the European Community, the	U	nion, the European Community, the
Swiss Confederation and the	Swiss Confederation and the	S	wiss Confederation and the
Principality of Liechtenstein on the	Principality of Liechtenstein on the	Pi	rincipality of Liechtenstein on the
accession of the Principality of	accession of the Principality of	ac	ccession of the Principality of
Liechtenstein to the Agreement	Liechtenstein to the Agreement	Li	iechtenstein to the Agreement
between the European Union, the	between the European Union, the	be	etween the European Union, the
European Community and the Swiss	European Community and the Swiss	E	uropean Community and the Swiss
Confederation on the Swiss	Confederation on the Swiss	C	onfederation on the Swiss
Confederation's association with the	Confederation's association with the	C	onfederation's association with the
implementation, application and	implementation, application and	in	nplementation, application and
development of the Schengen	development of the Schengen	de	evelopment of the Schengen

¹⁷ 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).

¹⁹ OJ L 53, 27.2.2008, p. 52.

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).

$acquis^{21}$ which fall within the area	<i>acquis</i> 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
conjunction with Article 3 of Council	conjunction with Article 3 of Council		conjunction with Article 3 of Council
Decision 2011/350/EU ²² .	Decision 2011/350/EU ²⁴ .		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 <i>acquis</i> 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,
	Article 4(2) of the 2005 Act of	2011 Act of Accession. The results	Article 4(2) of the 2005 Act of

²¹ 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'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).

²³ OJ L 160, 18.6.2011, p. 21.

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).

²⁵ OJ L 160, 18.6.2011, p. 21.

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).

and Article 4(2) of the 2011 Act of	Accession and Article 4(2) of the	of queries in SIS should be without	Accession and Article 4(2) of the
Accession.	2011 Act of Accession. The results	prejudice to Article 1(4) of Council	2011 Act of Accession. The results
	of queries in the Schengen	Decision 2010/365/EU ^{1a} .	of queries in the Schengen
	Information System should be		Information System should be
	without prejudice to Article 1(4) of	^{1a} Council Decision 2010/365/EU of	without prejudice to Article 1(4) of
	Council Decision 2010/365/EU.	29 June 2010 on the application of	Council Decision 2010/365/EU.
		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.)	
		(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	(17) This Regulation respects		(17) This Regulation respects
fundamental rights and observes the	fundamental rights and observes the		fundamental rights and observes the
principles recognised in particular by	principles recognised in particular by		principles recognised in particular by
the Charter of Fundamental Rights of	the Charter of Fundamental Rights of		the Charter of Fundamental Rights of
the European Union.	the European Union.		the European Union.
(18) Regulation (EC) No 562/2006	(18) Regulation (EC) No 562/2006		(18) Regulation (EC) No 562/2006
of the European Parliament and of	of the European Parliament and of		of the European Parliament and of
the Council ²⁷ should therefore be	the Council ²⁸ should therefore be		the Council should therefore be
amended accordingly,	amended accordingly,		amended accordingly,

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).

²⁸ 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).

HAVE ADOPTED THIS			
REGULATION:			
Article 1	Article 1		Article 1
Regulation (EC) No 562/2006 is	Regulation (EC) No 562/2006 is		Regulation (EC) No 562/2006 is
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	authenticity and validity of the
document, by consulting the relevant	document, including by consulting	document, <i>including</i> by consulting	travel document for crossing the
databases, in particular:	the relevant databases, in particular:	the relevant databases, which shall	border , <u>including</u> by consulting the
		include:	relevant databases, in particular:
(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 containing a storage medium as referred to in Article 1(2) of Council Regulation 2252/2004, the authenticity of the storage medium shall be checked.		For passports and travel documents containing a storage medium as referred to in Article 1(2) of Council Regulation 2252/2004, the authenticity of the chip data shall be checked.
(b) verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, including by consulting the relevant Union and national databases, in particular the Schengen Information System.	(b) verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, including by consulting the relevant Union, and national databases, in particular the Schengen Information System.	(b) verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, by consulting the Schengen Information System.	(b) verification that a person enjoying the right of free movement under Union law is not considered to be a threat to the internal security, public policy, international relations of any of the Member States or to public health, including by consulting the [] <u>Schengen</u> <u>Information System, other relevant</u> Union <u>databases, international and</u> <u>Interpol's databases. This is without</u> <u>prejudice to the consultation of</u> national databases.

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 <u>at least one of</u> 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*.
	Where possible, such verification	Where possible, such verification	Where possible, such verification
	shall also be carried out regarding	shall also be carried out regarding	shall also be carried out regarding
	travel documents not covered by that	travel documents not covered by this	travel documents not covered by that
	Regulation.	Regulation.	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).	
		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	

^{*} 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).

^{*} 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).

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
paragraph 2b shall in any event be
carried out.
$\overline{I_a}$ 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,
73/148/EEC, 75/34/EEC,
75/35/EEC, 90/364/EEC,
90/365/EEC and 93/96/EEC (OJ L
158,30.4.2004, p. 77).
130,30. 4 .200 4 , <i>p</i> . / /).

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 consultation of
borders, the checks referred to in	the data bases referred to in	points (a) and (b) of <i>paragraph 2</i>	the databases 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
subparagraph would have a	disproportionate impact on the flow	impact, for example on the flow of	have a disproportionate impact on the
disproportionate impact on the flow	of traffic, a Member State may	traffic, Member States may <i>decide to</i>	flow of traffic, <u>a</u> 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	consultations 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
	assesment 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 consultations and shall take
	account, inter alia, the	with the Agency and the Council.	into 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.
		production or presentation of their	Persons who in principle do not have
		travel documents. Such a minimum	to undergo the targeted consultation.

		check shall consist of a speedy and straightforward verification, where appropriate by using technical devices.	shall be at least subject to checks with a view to establishing their identity on the basis of the production or presentation of travel documents. Such checks shall consist in particular of a rapid and straightforward verification of the validity of the travel document for crossing the border , and of the presence of signs of falsification or counterfeiting, where appropriate by using technical devices and in case of doubts about the travel document and/or where there are indications that such a person may represent a threat to public policy, internal security or public health of the Member States, the border guard shall carry out the consultation of the databases referred to in paragraph 2(a) and (b).
Each Member State shall transmit its	The Member State concerned shall	2c. Prior to the introduction of	[]The Member State <u>concerned</u>
risk assessment to the Agency for the	without delay transmit its risk	checks carried out on a targeted	shall 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 <u>shall</u> report every <u>six</u>	External Borders of the Member	2007/2004 and shall report every
the application of the checks carried	months to the Commission and to	States of the European Union	$[\dots]$ six months to the Commission
out on a targeted basis.	that Agency on the application of the	established by Regulation (EC) No	and to the Agency on the application

checks carried out on a targeted	2007/2004 ('the Agency'), to the	of the checks carried out on a
basis. The Member State concern		targeted basis. The Member State
may decide to classify the risk	States with which it shares a border	concerned may decide to classify the
assessment or parts thereof.	and <i>shall</i> report every three months	risk assessment or parts thereof.
	to the European Parliament, to the	
2b. Where a Member State inte	nds Commission and to <i>the</i> Agency on	2b. Where a <u>Member State intends</u>
to carry out targeted consultation	s the application of the checks carried	to carry out targeted checks pursuant
pursuant to paragraph 2a, it shall	out on a targeted basis.	to paragraph 2a, it shall notify the
notify the other Member States, t	he The Agency shall transmit without	other Member States, the Agency
Agency and the Commission	delay its evaluations of the Member	and the Commission accordingly
accordingly without delay. The	State's initial assessment and	without delay. The Member State
Member State concerned may dea		concerned may decide to classify the
to classify the notification or part	<u>s</u> Member States, indicating whether	notification or parts thereof.
thereof.	or not it deems the Member State	In case the Member States, the
In case the Member States, the	concerned to have conducted an	Agency or the Commission have
Agency or the Commission have	appropriate security risk and traffic	concerns about the intention, they
concerns about the intention, they	flow assessment, and whether or not	shall notify the Member State in
shall notify the Member State in	the Member State has appropriately	question of these concerns without
question of these concerns without		delay. The Member State in question
delay. The Member State in ques	tion the basis of that assessment.	shall take these concerns into
shall take these concerns into	Any classification of the risk	account.
account.	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,	
<i>31.5.2001, p. 43</i>).	

<u>2c. The Commission shall, before</u>		2c. The Commission shall, before
two years after [date to be inserted:		two years after [date to be inserted:
date of entry into force], transmit to		date of entry into force], transmit to
the the European Parliament and the		the the European Parliament and the
Council an evaluation of the		Council an evaluation of the
implementation and consequences of		implementation and consequences of
paragraphs 2a and 2b.		[]Article 7(2) of Regulation (EC)
		No 562/2006 as amended by this
		Regulation.
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].
date of entry into force].		In exceptional cases, where at a
		specific airport there are specific
		infrastructural difficulties requiring a
		longer period of time for adaptations
		to allow for the carrying out of
		systematic consultations of databases
		without disproportionate impact on
		the flow of traffic, the six-month
		transitional period referred to in the
		first subparagraph may be prolonged
		for that airport, by a maximum of
		eighteen months under the
		conditions specified below.
		For that purpose, the Member State
		shall, at the latest three months
		before the expiry of the transitional
		period referred to in the first
		subparagraph, notify the
	l	sucparagraph, noury me

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	Commission, the Agency and the
	other Member States about the
	specific infrastructural difficulties in
	a specific airport, the envisaged
	measures to remedy them and the
	required period of time for
	implementation.
	The Commission, within one month
	of receipt of such a notification and
	after consulting the Agency, may
	authorise the Member State
	concerned to prolong the transitional
	period for that airport and, where
	relevant, shall set the length of such
	prolongation.
<u>2e. The consultation of the</u>	2e. The consultation of the
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

	1 . . .
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	authenticity and the validity of the
travel document.	travel document for crossing the
 	 border.
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
Member States for which 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, shall be subject to the	yet been taken, may be subject to the
checks on exit referred to in that	checks on exit referred to in that
paragraph only on a non-systematic	paragraph only on a non-systematic
 basis, based on a risk assessment.	 basis, based on a risk assessment.
(aa) Paragraph 3 (a)(i) and (ii) are	(aa) Paragraph 3(a)(i) and (ii) are
replaced by the following:	replaced by the following:
"(i) Verification of the identity and	"(i) Verification of the identity and
the nationality of the third country	the nationality of the third country
national and the validity and	national and of the authenticity and
authenticity of the travel document,	validity of the travel document for
including by consulting the relevant	crossing the border, including by
 databases, in particular:	 consulting the relevant databases, in

particular:

	(1) the Schengen Information		(1) the Schengen Information
	System:		System:
	(2) the Interpol database on stolen		(2) the Interpol database on stolen
	and lost travel documents;		and lost travel documents;
	(3) national databases containing		(3) national databases containing
	information on stolen,		information on stolen,
	misappropriated, lost and invalidated		misappropriated, lost and invalidated
	travel documents		travel documents
	For passport and travel documents		For passport and travel documents
	containing a storage medium, the		containing a storage medium, the
	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 4c.
		ensure that the border authorities	
		have sufficient technical, financial	
		and human resources to prevent, as	
		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 by the following:	by the following:		replaced by the following:

"(iii) verification that the third- country national concerned is not considered to be a threat to public policy, internal security or international relations of any of the Member States, including by consulting the relevant Union and national databases, in particular the Schengen Information System;".	"(iii) verification that the third- country national concerned is not considered to be a threat to public policy, internal security or international relations of any of the Member States, including by consulting the relevant Union and national databases, in particular the Schengen Information System;".	(iii) verification that the third- country national concerned is not considered to be a threat to public policy, internal security or international relations of any of the Member States, including by consulting the relevant Union and national databases, <i>including, on a</i> <i>mandatory basis</i> , the Schengen Information System;	"(iii) verification that the third- country national concerned is not considered to be a threat to public policy, internal security or international relations of any of the Member States, including by consulting the relevant Union and national databases, in particular the Schengen Information System;".
(c) In paragraph (3)(c), point (iii) is deleted.	(c) Paragraph 3(c)(iii) is deleted.		(c) Paragraph 3(c)(iii) is deleted.
	(d) In paragraph 3, the following points are added:		(d) In paragraph 3, the following points are added:
	<u>"(x)</u> The consultation of the		<u>"(x)</u> The consultation of the
	databases refered to in paragraph		databases refered to in paragraph
	3(a)(i), and the consultation of the		<u>3(a)(i), and the consultation of the</u>
	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 passenger information, a verification		out in advance based on such 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
	data agamot nie data ni tile travel		una agamot me una m me naver

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		authenticity and validity of the travel
travel document. "		document for crossing the border. "
(y) Where there is doubt on the		(y) Where there is doubt on the
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	Mentioned in 2c.
	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.	
	negumion.	

Article 2	Article 2		
	Entry into force and applicability		
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.	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.	It shall apply from [the date of	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.
		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	
Done at Strasbourg,	Done at Strasbourg,	Regulation] shall apply.	Done at Strasbourg,
For the EP For the Council	For the EP For the Council		For the EP For the Council
The President The President	The President The President		The President The President