



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

**FRONT 38
COMIX 288**

NOTE

from : Presidency

to : Working Party on Frontiers

Subject : Draft Council Decision on the revision of the Common Manual - Part II

Point 1 of Article 1 of the draft Council Decision on the revision of Part II of the Common Manual (6008/1/02 REV 1 Front 9 COMIX 85) **should be replaced by the following text:**

- (a) Point 1.4.7 is hereby deleted
- (b) As a result, points 1.4.8 and 1.4.9 shall become points 1.4.7 and 1.4.8, respectively.
- (c) The following points shall be inserted:

1.5. Procedures for refusing entry to nationals of third States who are family members of nationals of the Member States of the European Union or of the other States parties to the Agreement on the European Economic Area.

1.5.1. Refusal of entry must be in the form of a substantiated decision, effective immediately (or, where appropriate, on expiry of the time limit laid down by national law), whereby an alien who does not fulfil the conditions for entry laid down in point 6.1 is not allowed to enter the territory of any of the Member States or to stay there. The alien must acknowledge receipt of the decision. The decision is taken by the authority empowered to do so by national law which must state the procedures for appeal where these exist.

1.5.2. If an alien who does not fulfil the conditions for entry given in point 6.1 invokes the provisions of Article 5(2) of the Convention and requests entry and transit by the external border of a Member State other than the one which has agreed, by way of exception, to allow him to reside there, he must be sent back and allowed to present himself at the external border of the latter Member State.

1.5.3. The provisions laid down in points 1.4.1 bis, 1.4.2, 1.4.3, 1.4.4, 1.4.5, 1.4.6 and 1.4.8 shall also apply.

1.6. Procedures for refusing entry to nationals of the Member States of the European Union or of the other States party to the Agreement on the European Economic Area.

1.6.1. A national of a Member State of the European Union or of any other State party to the Agreement on the European Economic Area who holds the document required to cross the border can be refused entry to the territory of a Member State other than the one whose nationality he holds only if he is likely to jeopardise public policy, national security or public health. The national lists of wanted persons may be consulted for this purpose and may result in entry being refused.

If in such a case, the official responsible for carrying out checks refuses to allow a national of a Member State of the European Union or of a State party to the Agreement on the European Economic Area to enter the territory of a Member State, he must give him written notification thereof, setting out the reasons for refusal and the procedures for appeal where these exist.

1.6.2. The provisions laid down in points 1.4.2, 1.4.5 and 1.4.6 shall also apply.
