

COUNCIL DECISION
of 29 April 2004
amending the Common Manual

(2004/574/CE)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance ⁽¹⁾,

Having regard to the initiative of the Italian Republic,

Whereas:

(1) Given the level of harmonisation reached on the criteria for the refusal of entry at the external borders of the Member States, it is desirable to be able to identify the reasons for a previous decision to refuse the entry of an alien. It is therefore necessary to use a standard form for refusal of entry, which includes a categorisation of the possible reasons for refusal, and to indicate in the passport of the alien concerned the reason(s) for refusal. The Common Manual ⁽²⁾ should therefore be amended accordingly. The possibilities to appeal against the decision for refusal of entry are provided for in national law.

(2) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision, and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide, within a period of six months after the Council has adopted this Decision, whether it will implement it in its national law.

(3) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽³⁾, which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽⁴⁾.

(4) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽⁵⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

(5) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽⁶⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

(6) This Decision constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(1) of the Act of Accession,

HAS ADOPTED THIS DECISION:

Article 1

Part II of the Common Manual is hereby amended as follows:

1. the following sentence shall be added at the end of Section 1.4.1:

'To that end a standard form for refusal of entry at the border as contained in Annex 16 shall be filled in and handed to the alien concerned.';

⁽¹⁾ OJ L 116, 26.4.2001, p. 5.

⁽²⁾ OJ C 313, 16.12.2002, p. 97. Manual as last amended by Decision 2004/466/EC (OJ L 157, 30.4.2004, p. 136).

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁵⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁶⁾ OJ L 64, 7.3.2002, p. 20.

2. Section 1.4.1a shall be replaced by the following:

‘1.4.1a When refusing entry, the checking officer will affix an entry stamp on the passport, cancelled by an indelible cross in black ink, and enter on the right hand side in indelible ink the letter(s) indicating the reason(s) for refusal of entry as set out in the standard form for refusal of entry at the border as contained in Annex 16’.

Article 2

The standard form for refusal of entry at the border, as contained in the Annex to this Decision, shall be added as Annex 16 to the Common Manual.

Article 3

This Decision shall apply from 1 June 2004.

Article 4

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Luxembourg, 29 April 2004.

For the Council


The President

M. McDOWELL

ANNEX

'Annex []

Standard form for refusal of entry at the

LOGO OF STATE	Name of State (Name of Office) _____	
(1)		
REFUSAL OF ENTRY AT THE BORDER		
On _____ at (time) _____ at the border point _____		
We, the undersigned, _____ have before us:		
Surname _____ First name _____		
Date of birth _____ Place of birth _____ Sex: _____		
Nationality _____ Resident in _____		
Type of identity document _____ number _____		
Issued in _____ on _____		
Visa number _____ type _____ issued by _____ valid from _____ until _____		
For a period of _____ days on the following grounds: _____		
Coming from _____ by means of _____ (indicate means of transport used, e.g. flight number), he/she is hereby informed that he/she is refused entry into the country pursuant to (indicate references to the national legislation in force), for the following reasons:		

(1) No logo is required for Norway and Iceland.

- (A) Has no valid travel document(s)
- (B) Has a false/counterfeit/forged travel document
- (C) Has no valid visa
- (D) Has a false/counterfeit/forged visa
- (E) Has no appropriate documentation justifying the purpose and conditions of stay
- (F) Does not have sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit, having regard to the information given in Annex 10 to the Common Manual
- (G) Is a person for whom an alert has been issued for the purposes of refusing entry
- in the SIS
- in the national register
- (H) Is considered to be a threat to public order and public security, national security or the international relations of one or more of the Member States of the European Union (each State must indicate the references to national legislation relating to such cases of refusal of entry)

Comments

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

Person concerned

Officer responsible
for checks'