



EU Border Management

Unit C1: Border Management and Schengen governance

DG HOME AFFAIRS

http://ec.europa.eu/dgs/home-affairs/index_en.htm



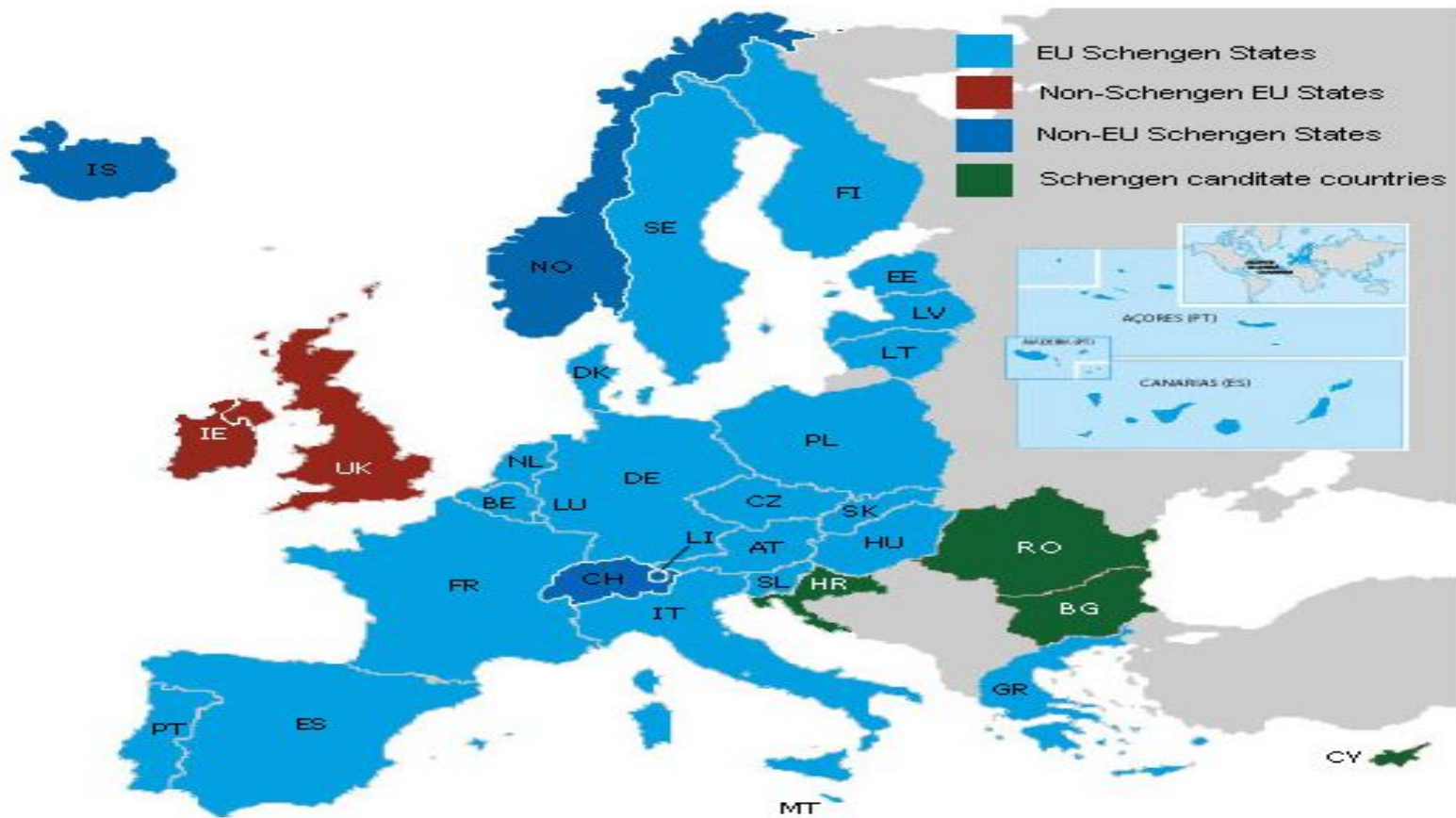
EU BORDER MANAGEMENT

- **Schengen area**

- **Main pillars**

- **Future developments**

SCHENGEN AREA





SCHENGEN AREA

„Variable geometry“

22 Member States (candidates: BG, CY, HR, RO)

Associated countries (no EU members, but Schengen members):

- NO, IS, CH, LI

UK/IE: partial application of the Schengen acquis (mainly in police and judicial cooperation)





SCHENGEN AREA

History

Free movement of persons- EC Treaty

*Gradual lifting of internal border controls –
intergovernmental framework (Schengen
Agreement 1985- Schengen Convention 1990-
Abolition of controls between 7 MS in March 1995)*

Integration into the EU framework in 1999





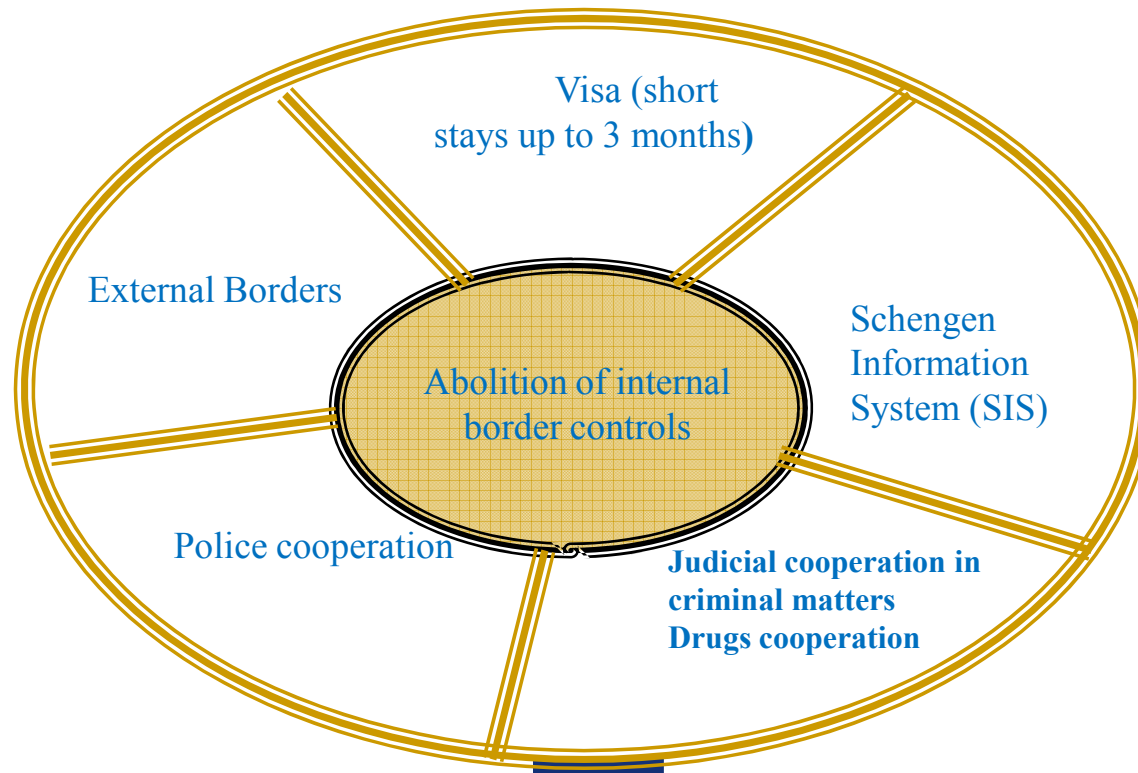
SCHENGEN AREA

Free movement of persons without internal border control

vs

complementary measures:

external borders, visa policy, police cooperation, judicial cooperation, Schengen Information System





SCHENGEN AREA

External borders

11 500 km external land borders

44 000 km external sea borders

597 airports with extra-Schengen flights

Passenger flow of 675 million (2011):

230 million - land

81 million - sea

364 million - air



SCHENGEN AREA

Schengen enlargement

Article 7 Schengen Protocol – new Member States

Acts of Accession: Lifting of internal border control in two stages → Category 1 and 2 Schengen acquis

Schengen facility: temporary financial instrument for incoming EU Member States, to help apply the Schengen border rules





SCHENGEN EVALUATIONS

Current Schengen evaluations

SCH/Com-ex (98)26 def

Council Working Party on Schengen Evaluation

Candidate Schengen states: Verify preconditions for application of Schengen acquis

Schengen states: Ensure proper application





SCHENGEN EVALUATIONS

New Schengen evaluations

MS and COM jointly responsible

COM has overall coordination role

Multiannual (5 years) and annual programmes established by COM (via comitology)

Reports adopted by COM (via comitology)

Recommendations adopted by Council (on a proposal by the COM)

MS action plan with regular reporting /revisits





SCHENGEN EVALUATIONS

Follow-up in Schengen Borders Code

Measures in case of serious deficiencies (i.a. deployment European Border Guard Teams)

Procedure in case of overall functioning of Schengen at risk:

COM proposal – Council recommendation – MS decision to reintroduce control at internal border





SCHENGEN EVALUATIONS

New Schengen evaluations – Next steps

Council foreseen to adopt on 7 October

Entry into force 20 days after publication in OJ

Start application

Current MS/SAC: 1 year after entry into force

Candidate MS (incl. those whose evaluations have begun but not ended): 1 January 2016 at the latest





ACTORS OF THE SCHENGEN AREA

SHARED COMPETENCE BETWEEN EU AND MS

Article 77 of the TFUE

The Union shall develop a policy with a view to:

- (a) ensuring the absence of any controls on persons, whatever their nationality, when crossing internal borders;*
- (b) carrying out checks on persons and efficient monitoring of the crossing of the external borders;*
- (c) the gradual introduction of an **integrated management system for external borders.***



INTEGRATED BORDER MANAGEMENT

2006 Council Conclusions (15628/2006)

- *Border control*
- *Detection/investigation of cross-border crime*
- *Four-tier model*
- *Inter-agency and international cooperation*
- *Coordination between MS and the Union*





EU BORDER MANAGEMENT

3 pillars:

Legislative (common regulatory framework)

Operational (operational cooperation)

Financial (Burden Sharing – Solidarity)





LEGISLATIVE PILLAR

Reg(EC)562/2006 - Schengen Borders Code (1)

Definition on borders

Provides for (a) right to free movement within Schengen and (b) control of persons crossing external borders

Entry conditions for TCN *for stays up to 3 m per 6 m period: valid travel document; valid visa/RP; purpose of stay; means of subsistence; no SIS alert; no public policy threat*





LEGISLATIVE PILLAR

Reg(EC)562/2006 - Schengen Borders Code (2)

Conduct of border check

Border checks on TCN: thorough check on entry and exit

Remedy in case refusal of entry

Border surveillance

No controls at internal borders- but possibility for police checks as long as no equivalent effect to border checks





LEGISLATIVE PILLAR

Reg (EU) 610/2013 Amend. Schengen Borders Code

Major changes:

Method for calculating short stays

Period of validity of travel documents

Facilitations on specific checks (ferries, trains)

Shared border crossing points





LEGISLATIVE PILLAR

Reg (EU) 1931/2006 - Local border traffic (LBT) regime:

facilitations for border residents to cross the border

max. 90 days of uninterrupted stay

validity for the border area (30/50km)

local border traffic permit (no stamp)





LEGISLATIVE PILLAR

Carriers liability and API Directive

Contribution to fight irregular migration:

Carriers liability- Directive 2001/51

*Obligation of carriers to communicate
passenger data – Directive 2004/82*





SOFT- LAW

Practical Handbook for Border Guards:

Commission Recommendation of 6 November 2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons

Council Schengen Catalogue *on External borders control, Return and readmission (doc. 7864/09 SCHEVAL 48 FRONT 21 COMIX 252) of 19 March 2009*





EUROSUR

European Surveillance System (Eurosur)

common framework for exchange of information to improve
situational awareness/reaction capability at the external borders

National coordination centres

Frontex

Communication network





OPERATIONAL PILLAR – Frontex (1)

Reg (EC)2007/2004

European Agency for the Management of the
Operational Cooperation at the External Borders
of the Member States of the European Union
(FRONTEX, seat in Warsaw)

Joint operations, pilot projects, training European
Border Guard Teams



OPERATIONAL PILLAR – Frontex (2)

intervention team

Reg 1168/2011 amending Reg 2007/2004

Extended mandate of Frontex

Technical equipment

Border guards teams

More focus on fundamental rights





FINANCIAL PILLAR

Dec. 574/2007 – External borders Fund

Financial assistance to MS of the Schengen area and candidate MS (plus associated)

To assist in EU border management and visa policy

Burden sharing - solidarity

Amount: 1,8 Billion € (2007-2013)

New financial perspective 2014-2020

- **(Internal Security Fund)**



FUTURE DEVELOPMENTS

European Surveillance System (Eurosur)

Schengen Evaluation Mechanism

Smart Borders:

- Entry-Exit system
- Registered Traveller System

Feasibility study on the creation of a European system of border guards





THANK YOU FOR YOUR ATTENTION!

QUESTIONS?

