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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
Subject: Draft Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders
- Adoption of the legislative act (**LA + S**)
= Statements

Statement by Slovenia

The Republic of Slovenia reaffirms its commitment to implement the provisions of the Schengen Border Code (hereinafter the Code) introducing strengthened checks on persons crossing the external borders of Member States, also on those enjoying the right of free movement under Union law. While the purpose of exercising border checks in this manner is expected to deliver an improvement to control of external borders, to increase Member States' internal security and to prevent terrorism, this will also have other consequences.

By this declaration, Slovenia wishes to draw attention to the potential consequences that will follow from consistent implementation of Article 7(2) of the Code.

The Republic of Slovenia, as a country whose territory is one of the most heavily burdened entry and exit areas enabling access to Member States¹, is fully aware of its responsibility of carrying out border control in the interest of all Member States. In Slovenia's view, checks carried out systematically on all persons crossing the external borders, including those enjoying the right of free movement under Union Law, without targeted checks as a basic principle for efficient border checks and without taking into consideration justified exemptions, is a disproportionate measure in relation to the pursued objective of the change.

Additional doubts to the efficiency of the new provisions of Article 7(2) of the Code are related to the possible transitional period for border checks at air borders that are especially vulnerable part of the external borders.

The implementation on the scale as specified in Article 7 (2) of the Code will have an adverse effect on passenger flows at external borders as it will also have financial implications for Member States. Slovenia cannot be held ultimately accountable for such outcomes.

Slovenia also welcomes the intention of the European Commission to assess regularly the implementation of the Code, including the consequences of amended provisions, and propose relevant amendments if necessary.

Statement by Croatia

The Republic of Croatia supports the objective of this Regulation. It is of the opinion that implementing the mechanisms established thereunder will help to strengthen and maintain security throughout the territory of the European Union and the Schengen area, and also contribute to the overall control of our border, that is the external border of the European Union.

¹ Relevant statistics: In 2014: 60.906.914 passengers crossed external Schengen border, of those 48.792.665 EU citizens; first half of 2016: 26.842.855 passengers, of those 21.385.972 EU citizens.

At the same time, the Republic of Croatia regrets that these measures are to be implemented not only at the European Union's external borders but also at internal borders between Member States fully applying the Schengen acquis and Member States not yet fully applying the Schengen acquis. The title of the Regulation itself implies its application at the European Union's external borders, not at Schengen borders. For that precise reason, all Member States should have been treated equally. Such a regime will constitute a significant additional burden on the national resources of the Republic of Croatia in terms of the required level of technical and personnel capacities, which could have negative implications for the Croatian economy and the efficient flow of passenger and goods traffic. The Republic of Croatia considers that not even at a symbolic level does such a regime at internal borders contribute to unity in achieving the objectives of this Regulation.

Nevertheless, the Republic of Croatia remains fully committed to consistent compliance with and implementation of the Regulation, and welcomes the European Commission's intention to regularly monitor its implementation and propose relevant amendments whenever it deems this possible.

With a view to ensuring efficient implementation, the Republic of Croatia also recalls the specific situations of certain Member States and invites the European Commission to take steps, in consultation with stakeholders and further to the European Council conclusions of December 2016, to find appropriate solutions to address those specific situations.

The Republic of Croatia therefore has an interest and is actively engaged in finding ways to mitigate the undesired consequences of the measures introduced on the flow of passenger and goods traffic both at its external border and at its internal land border with the Republic of Slovenia and Hungary.

Bearing in mind the Regulation's objective and benefits for the European Union as a whole and the fact that it enjoys the broad support of Member States, the Republic of Croatia, as a constructive Member State, supports its adoption.