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Common Manual

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1. Authorized frontier crossing-points for crossing external frontiers (p. 3, section 1.2),
2. Penalties for unauthorized crossing of external frontiers (p. 3, section 1.2),
3. Bilateral agreements on minor frontier traffic (p. 3, section 1.3),
4. List of the documents recognized as valid for crossing external frontiers (p. 5, section 2.1),
5. Common list of States for whose nationals a visa is required (p. 6, section 3.1.1),
6. Technical features of the stick-in visa (p. 7, section 3.1.2)
7. Specimen stick-in visas (p. 7, section 3.1.3),
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10. Reference amounts to be set each year by the national authorities (p. 10, section 4.1.2),
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13. Specimen card issued by the Ministry of Foreign Affairs (p. 40, section 6.6).

COMMON MANUAL

PART I: CONDITIONS FOR ENTERING THE TERRITORY OF THE MEMBER STATES

1. CROSSING EXTERNAL FRONTIERS

(Article 2 of the Convention)

1.1. CONSEQUENCES OF AUTHORIZATION TO ENTER

A person who has lawfully entered the territory of one of the Member States by its external frontier may normally move about freely within the territory of all the Member States during a period not exceeding three months.

1.2. CROSSING THE FRONTIER AT AUTHORIZED FRONTIER CROSSING-POINTS

External frontiers may be crossed at the authorized frontier crossing-points provided for in Annex 1 during the stipulated opening times. The unauthorized crossing of external frontiers at places other than frontier crossing-points or at times other than the fixed opening hours is punishable by the penalties referred to in Annex 2. Opening hours must be indicated at frontier posts by a notice.

1.3. CROSSING THE FRONTIER AT PLACES OTHER THAN AUTHORIZED FRONTIER CROSSING-POINTS

By way of exception, the following may cross external frontiers outside authorized crossing points and the fixed hours:

- persons to whom a frontier crossing permit has been issued.;
- nationals of certain Member States where this is allowed under national law,
- persons in respect of whom provision is made for the appropriate permits under the bilateral agreements referred to in Annex 3 on minor frontier traffic - known in Italy as "minor frontier traffic" or "excursion traffic";
- seamen who go ashore in accordance with section 6.5.2.

1.3.1. The competent authorities under national law may issue individuals or groups of persons with a special permit enabling them to cross the external frontier outside authorized crossing points or the stipulated times:

- where there is a requirement of a special nature, and
- it is not against the interests of public order and national security of the Member States.

Such a permit may in any event be issued only if the person requesting it presents the necessary documents when crossing the frontier.

This applies to frontier crossings on land, by sea or by inland waterway.

1.3.2. Nationals of the Kingdom of Belgium, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands shall be authorized to cross the frontiers of the State whose nationality they hold at any point.

1.3.3. Dispensations from the provisions of section 1.2. in connection with minor frontier traffic - known in Italy as "minor frontier traffic" or "excursion traffic" - are granted in accordance with the bilateral agreements concluded by the Contracting Parties with bordering third States; these agreements are set out in Annex 3.

2. DOCUMENTS RECOGNIZED AS VALID FOR THE CROSSING OF EXTERNAL FRONTIERS

(Article 7 of the Convention)

2.1. The list, for each country, of the documents recognized as valid for the crossing of external frontiers and of those which may bear a visa, in the case of persons other than those entitled under Community law who are subject to the visa requirement, is set out in Annex 4.

3. VISAS REQUIRED FOR THE ENTRY OF ALIENS TO THE TERRITORY OF THE MEMBER STATES

(Article 18 of the Convention)

(Article 21 of the Convention)

(Article 23 of the Convention)

Pending the introduction of a uniform visa, the Contracting Parties will recognize, for all types of visas, their respective national visas. The uniform stick-in visa will be used for:

- uniform visas for stays not exceeding three months;
- transit visas;
- visas of limited territorial validity for stays not exceeding three months;
- visas for stays of over three months.

3.1. UNIFORM VISAS FOR STAYS NOT EXCEEDING THREE MONTHS, INCLUDING TRANSIT VISAS

3.1.1. The list of States for whose nationals a visa is required by all the Member States is given in the Regulation determining the third countries whose nationals must be in possession of a visa when crossing the external frontiers of the Member States, of ..... (OJ No .....). The uniform visa will be issued to the nationals of the States appearing on that list. Aliens subject to a visa requirement by only one Contracting Party must also obtain a uniform visa from that Contracting Party, having regard to the provisions of Article 19 of the Convention;

this visa will state that within the Member States the holder is required to hold a visa only by the Member State concerned. Where an alien is required to hold a visa by several Member States, the uniform visa issued by one of these Member States in accordance with the provisions of the third sentence will also be valid for the other Member States requiring the alien to hold a visa.

3.1.2. The technical description of the stick-in visa is given in the legal acts adopted pursuant to the Treaty establishing the European Community.

3.1.3. Specimen stick-in visa with examples of possible endorsements are given in the legal acts adopted pursuant to the Treaty establishing the European Community.

3.1.4. A stick-in visa, when used for the uniform visa, must state the following:

- territorial validity;
- period of validity;
- number of entries;
- length of stay;
- place and date of issue;
- passport number;
- visa category:

  - A: airport transit visa
  - B: transit visa
  - C: short-stay visa
  - D: (long-stay) national visa

The endorsements printed on the sticker are to be in English, French and the respective national languages.

3.2. VISAS WITH LIMITED TERRITORIAL VALIDITY (NATIONAL VISAS)

3.2.1. Visas with limited territorial validity shall be issued by:

- a Contracting Party which, for humanitarian reasons or in the national interest or because of international obligations (Article 24(2) of the Convention), considers it necessary to issue such a visa although the conditions laid down in Article 19 of the Convention have not been fulfilled;

- a Contracting Party which, after expiry of the visa, wishes to issue a new visa in the same six-month period (Article 23 of the Convention).

3.2.2. A visa with limited territorial validity is a national visa whose validity is limited to the territory of the State(s) which issued it. This visa does not enable its holder to stay in the territory of the other Contracting Parties.

3.2.3. A visa with limited territorial validity shall be identified in a specific manner (Article 24(4) of the Convention). A specimen of this type of visa is shown in Annex 8.

3.3. VISAS FOR A STAY OF MORE THAN THREE MONTHS (LONG-STAY VISAS)

3.3.1. Long-stay visas are national visas. They allow the holder to travel through the territory of the other Member States only in order to go to the territory of the Member State which issued the visa, unless he fails to meet the conditions for entry laid down in Article 7(1)(a), (c), (d) and (e) of the Convention or if he appears on the national report list of the State through whose territory transit is requested.

3.3.2. Annex 9 shows a specimen long-stay visa.

4. OTHER CONDITIONS FOR ENTRY

(Article 7(1) of the Convention)

4.1. JUSTIFICATION OR INFORMATION ESTABLISHING THE LIKELIHOOD OF THE REASONS GIVEN FOR ENTRY

It is for the person not entitled under Community law to provide on request the reason for his application to enter the territory. In the event of doubt, the checking officers may require him to present supporting documents and papers as proof or to show good faith.

4.1.1. In order to provide proof or to establish the likelihood of the reasons given for entry, the following may in particular be required:

4.1.1.1. for business trips:

- an invitation from a firm or an authority to attend meetings or events connected with trade, industry or work,
- other documents which show the existence of trade relations or relations for work purposes,
- entry tickets for fairs and congresses;

4.1.1.2. for study or other types of training trips:

- a certificate of enrolment at a teaching institute for the purposes of attending practical and theoretical training and continuing vocational training courses,
- student cards or certificates for the courses attended;

4.1.1.3. for journeys for the purposes of tourism or for private reasons:

- an invitation from the host,
- a supporting document from the establishment providing lodging,
- confirmation of the booking of an organized trip,
- the return or round-trip ticket;

4.1.1.4. for journeys for another reason:

- invitations, enrolments or programmes,
- attendance certificates, entry tickets, receipts, etc.

for political, scientific, cultural, sports or religious events, stating wherever possible the name of the host body or the length of stay.

4.1.2. Persons other than those entitled under Community law wishing to enter the territory of the Member States must have sufficient means of subsistence for the expected duration of the stay and for the return journey or transit to a third State. Means of subsistence shall be assessed in accordance with the aim of the stay and by reference to average prices for board and lodging. The reference amounts set each year by each of the Member States, the provisions concerning proof of financial means, guarantees of return to the home country and/or the onward journey to another country and the cases where persons may be exempted from proving that they possess the necessary means of subsistence, are given in Annex 10.

The presumption of sufficient means of subsistence will be based, for example, on the cash, travellers' cheques, credit cards, and the appropriate number of Eurocheques supported by a Eurocheque card and statements in respect of guarantees in the client's possession.

4.2. CONDITIONS RELATING TO SECURITY

When a person not entitled under Community law enters the territory, a check must be carried out to determine whether that person, his vehicle or the objects in his possession represent a threat to the public order, national security or international relations of one of the Contracting Parties. Such a threat may in particular exist where:

- a person not entitled under Community law has been convicted in a Member State of an offence carrying a custodial sentence of at least one year;

- there is reliable information to the effect that the person concerned has committed a serious crime;

- there are serious grounds for believing that the person concerned intends to commit a serious crime or is a threat to the public order or the external and internal security of a Member State;

- the person concerned has seriously or repeatedly infringed legislation governing the entry and residence of aliens.

PART II: FRONTIER CHECKS

1. PRINCIPLES GOVERNING CHECKS

(Article 5 of the Convention)

1.1. OFFICERS AUTHORIZED TO CARRY OUT CHECKS AND SURVEILLANCE

1.1.1. Checks at external frontiers are to be carried out by officers of the frontier police forces or of the services of the Member States responsible in accordance with national law for frontier police duties.

These services are:

- for the Kingdom of Belgium: Gendarmerie, customs and maritime police in ports;

- for the Kingdom of Denmark:

- for the Federal Republic of Germany: Bundesgrenzschutz, customs and Länder police in Bavaria, Bremen and Hamburg;

- for the Hellenic Republic : *Ελληνική Αστυνομία, Λιμενικό Σώμα, Τελωνεία,*

- for the French Republic: Police de l'Air et des Frontières (PAF), customs, national Gendarmerie;

- for Ireland:

- for the Italian Republic: Polizia di Stato, Carabinieri, Guardia di Finanza;

- for the Grand Duchy of Luxembourg: customs, special airport Gendarmerie service;

- for the Kingdom of the Netherlands: Koninklijke Marechaussée, customs (import and excise duties), Rotterdam city police (port);

- for the Portuguese Republic: Serviço de Estrangeiros e Fronteiras, Direcçâo-Geral de Alfândegas, Guarda Fiscal;

- for the Kingdom of Spain: Cuerpo Nacional de Policía, Guardia Civil, customs;

- for the United Kingdom:

1.1.2. When carrying out these duties, officers have the powers of frontier police and the powers to instigate criminal proceedings conferred on them by national law.

1.2. OBJECT OF CHECKS

1.2.1. Checks on movement at external frontiers will cover:

- verification of the documents authorizing crossing of the frontier and of the other conditions governing entry laid down in Articles 5 and 7 of the Convention and, where necessary, of the documents authorizing residence and the pursuit of an occupation;

- the detection and recording of offences, particularly through direct consultation of reports on persons and objects included in the European Information System (EIS) and in national data files and, if necessary, carrying out action to be taken relating to such reports;

- the prevention of threats to the public order and national security of the Member States and quelling disturbances.

1.2.2. The principle of proportionality must be complied with in the performance of frontier police duties.

1.3. PROCEDURES FOR CHECKS

Checks on movement at external frontiers are to be carried out in accordance with the following uniform principles:

1.3.1. The minimum check referred to in Article 5(1) of the Convention which is intended to establish a person's identity, consists of an identity check on the basis of the documents produced or presented for crossing the frontier and in rapid and straightforward verification of the validity and period of validity of the document authorizing the holder to cross the frontier and of the presence of signs of falsification or counterfeiting.

Members of the family of Union citizens who are nationals of a third state (Article 1(a)(ii) of the Convention) must prove on crossing the frontier that they are persons entitled under Community law. The proof must be based on documents which show the status claimed without any doubt. By document is meant in particular the document proving the relationship within the meaning of Article 4(3)(d) of Directive 68/360/EEC which may be required of members of the family entitled under Community law also for the issue of the "EC residence permit".

1.3.2. The thorough check referred to in Article 5(2) of the Convention involves, in addition to the basic check:

1.3.2.1. a detailed examination of the following aspects:

- is the document presented valid for crossing the frontier and, where applicable, is it accompanied by the requisite visa?

- does the document show signs of falsification or counterfeiting?

1.3.2.2. verification regarding the origin and destination of the individual and the purpose of the journey and, if necessary, checking the corresponding supporting documents;

1.3.2.3. verification that the individual has sufficient means of subsistence both for the length of the stay envisaged or transit and for his return to his country of origin or the journey to a third country in which entry is guaranteed or that these means can be obtained legally.

1.3.2.4. direct consultation of the data on persons and objects included in the EIS and in national data files.

1.3.2.5. verification that the person, his vehicle and the objects he is transporting are not likely to jeopardize the public order, national security or international relations of one of the Member States, in particular that the person does not appear on a joint list as provided for in Article 10 of the Convention.

1.3.3. Without prejudice to the provisions of sections 1.3.5.1, 1.3.5.2 and 1.3.5.3, all persons shall be subject to a minimum check upon entry and exit.

As a general rule, persons not entitled under Community law shall be subject to a thorough check on entry and exit.

1.3.4. Persons entitled under Community law will be subject to thorough checks on entry and exit in specific cases where there are indications that they might jeopardize public order, national security or public health.

1.3.5. Checks at land frontiers may be relaxed as a result of special circumstances. This will be the case, in particular, where the intensity of traffic results in excessive delay in the time taken to reach checking posts, and all resources have been exhausted as regards staff, facilities and organization.

1.3.5.1. The official locally responsible for border checks may, under the conditions described in section 1.3.5, establish priorities and must amend them as frequently as possible to increase the effectiveness of checks. In this regard, movement checks on entry shall normally take priority over checks on exit.

1.3.5.2. The locally responsible official who relaxes checks must show discretion. Such relaxation of checks can only be temporary, must be adapted to the circumstances justifying it and introduced gradually.

1.3.5.3. Individuals known personally to the officer responsible for checks who he knows, on the basis of an initial check, have not been the subject of a report in the EIS or a national data file and who possess a valid document authorizing them to cross the frontier, will be subject only to random checks to ensure that they hold that document. This provision applies in particular to those persons who frequently cross the frontier at the same crossing-point. Thorough checks must be carried out on this group of persons from time to time, without warning and at irregular intervals.

1.4. Procedures for refusing entry

1.4.1. The decision to refuse entry is to be substantiated and will be 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 Article 7 of the Convention is not allowed to enter the territory of one of the Contracting Parties 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 shall state the procedures for appeal where this exists.

1.4.1a. When refusing entry, the officer responsible for checks will affix an entry stamp on the passport, cancelled by an indelible black ink cross.

1.4.2. Officers responsible for checks will ensure that an alien refused entry does not enter the territory of the Contracting Party or, if he has already entered it, leaves immediately.

1.4.3. If a person not entitled under Community law and refused entry has been brought to the frontier by a carrier by air, sea or land, the locally responsible service must order that carrier to assume responsibility for the person without delay. The carrier may be made to bear the costs of lodging, maintenance and the return journey. The locally responsible service must order the person not entitled under Community law to be transported to the third State from which he was brought, to the third State which issued the document authorizing him to cross the frontier, or to any other third State where he is guaranteed admittance. If the carrier cannot comply with the onward transportation order immediately, he must ensure that another carrier effects immediate transportation to a third State. Pending onward transportation, the locally responsible service is required, in compliance with national law and having regard to local circumstances, to take appropriate measures in order to prevent persons not entitled under Community law and refused entry from entering illegally (e.g. by keeping them in the international area of the airport, prohibiting them from going ashore in ports or keeping them in a detention centre).

1.4.4. Where the officer responsible for checks notes that the holder of a short-stay visa is on the joint list as provided for in Article 10 of the Convention for the purposes of being refused entry, he shall cancel the visa by applying a stamp stating "ANNULLED". He must inform his central authorities of this decision forthwith.

If the holder of a short-stay visa is refused entry, the provisions laid down in section 1.4.1a must be applied.

1.4.5. Any refusal of entry must be recorded in a register or on a list stating identity, nationality, the references of the document authorizing the alien to cross the frontier and the reason for and date of refusal of entry.

1.4.6. If there are grounds both for refusing entry to a person not entitled under Community law and arresting him, the judicial authorities responsible must be contacted to decide on the action to be taken in accordance with national law.

1.4.7. The above provisions also apply to decisions to refuse entry affecting nationals of the Member States of the European Community.

1.4.8. If a person not entitled under Community law requests, subject to the conditions laid down in Article 9 of the Convention, entry and transit by the external frontier 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 frontier of the latter Member State, for the purpose of entering its territory.

1.4.9. If a person not entitled under Community law is in possession of a residence permit or a return visa or, where appropriate, both these documents, issued by one of the Member States, as provided for in Annex 11, he must be authorized to enter and pass through so that he can reach the territory of that Member State, if the requirements laid down in Article 7, with the exception of the conditions stipulated in paragraph 1(b) of the Convention, are fulfilled.

2. PRACTICAL PROCEDURES FOR CHECKS

2.1. AFFIXING STAMPS

2.1.1. When the territory of a Contracting Party is entered, a stamp shall be affixed to:

- the documents, bearing a valid visa or transit visa, enabling persons not entitled under Community law to cross the frontier;

- the documents enabling persons not entitled under Community law to whom a visa is issued at the frontier by the Member States to cross the frontier;

- the documents enabling persons not entitled under Community law and not subject to the visa requirement laid down in Title VI of the Convention to cross the frontier.

No entry stamp shall be affixed to the documents of persons entitled under Community law.

2.1.2. The exit stamp shall be placed on documents authorizing a person not entitled under Community law to cross the frontier which contain a multiple-entry visa with a restriction on the total length of stay.

2.1.3. Upon initial entry, the stamp must if possible be affixed so that it covers the edge of the visa without affecting the legibility of the indications on the visa or the security features of the stick-in visa. If several stamps have to be inserted (for example in the case of a multiple-entry visa), this shall be done on the page facing the one on which the visa is affixed.

If that page cannot be used, the stamp will be entered on the following page.

2.1.4. Different shaped stamps (rectangular for entry, rectangular with rounded corners for exit) will be used to certify entry and exit. These stamps will contain the letter(s) identifying the State, the name of the frontier post, the date, the serial number and a pictogram indicating the type of frontier crossed (land, sea or air).

2.1.5. Entry and exit stamps shall not be affixed:

- in the case of persons not normally subject to any check (for example: Heads of State, personalities whose arrival has been officially announced in advance through diplomatic channels);

- on documents enabling nationals of Andorra, Iceland, Liechtenstein, Malta, Monaco, San Marino and Switzerland to cross the frontier;

- on the travel documents of seamen who are present within the territory of a Contracting Party only when their ship puts in and in the area of the port of call;

- on pilots' licences or the certificates of aircraft crew members.

2.1.6. Exceptionally, at the request of a person not entitled under Community law insertion of an entry or exit stamp may be dispensed with if insertion might cause serious difficulties for that person. In that case, entry or exit must then be recorded on a separate sheet indicating the name and passport number.

2.2. SURVEILLANCE OF EXTERNAL FRONTIERS AT PLACES OTHER THAN CROSSING-POINTS AND OUTSIDE OPENING HOURS

(Article 3 of the Convention)

2.2.1. The main object of surveillance of external frontiers at places other than frontier crossing-points and surveillance of these crossing-points outside opening times is to prevent unauthorized frontier crossings, to counter cross-frontier criminality and to apply or to take measures against individuals who have crossed the frontier illegally.

2.2.2. Such surveillance shall be carried out in accordance with police tactical criteria, by appropriate numbers of staff for the situation in hand. It will involve frequent and sudden changes to surveillance periods, so there will be a permanent risk of unauthorized frontier crossings.

2.2.3. Surveillance will be effected by mobile units which perform their duties by patrolling or stationing themselves at places known or perceived to be sensitive, the aim of such surveillance being to apprehend individuals crossing the frontier illegally. Surveillance may also be carried out by technical means, including electronic means.

2.2.4. The resources used shall be selected in accordance with the conditions of intervention and in particular in accordance with the type and nature of frontier (land, inland waterway or sea).

2.3. THE FOLLOWING INFORMATION MUST BE ENTERED IN A REGISTER:

- the names of the official locally responsible for frontier checks and of the other officers in each team;
- relaxations of checks on persons applied in accordance with section 1.3.5;
- the issuing of documents in place of passports and of visas or permits issued at the border;
- persons apprehended and complaints (criminal offences and administrative breaches);
- persons refused entry or exit (number and nationalities);
- other particularly important police or judicial measures;
- particular occurrences.

At all frontier (land, sea and airport) posts all service information and any other particularly important information shall be entered in a register.

3. SPECIAL RULES ON THE VARIOUS MEANS OF TRANSPORT USED FOR CROSSING EXTERNAL FRONTIERS

3.1. CHECKS ON ROAD TRAFFIC

3.1.1. To ensure effective checks on persons, while ensuring the safety and smooth flow of road traffic, movement at frontier crossing-points must be regulated in an appropriate manner. In case of need, measures to channel and block traffic will be taken in compliance with the agreements regarding co-located national control offices.

3.1.2. As a general rule, persons travelling in vehicles may remain inside them during checks. Checks must in principle be made outside the checkpoint kiosk, beside

the vehicle. Thorough checks will have to take place, if local circumstances allow, beside the highway on spaces set aside for that purpose. For reasons of staff security, checks will be carried out where possible by two officers with responsibility for frontier checks and surveillance or customs officers.

3.1.3. In the event of heavy traffic, bus passengers on regular local lines must be checked first where the local situation allows.

3.2. CHECKS ON RAIL TRAFFIC

3.2.1. The authorities responsible for frontier checks and surveillance must ensure that train passengers and railway staff, including those crossing external frontiers on goods trains or empty trains are checked in accordance with the provisions of Part II, sections 1.2, 1.3 et seq.

3.2.2. Checks on rail traffic may be carried out during a train's halt at the frontier station or on the train in the course of its journey. Such checks must be carried out in accordance with the provisions of the agreements on co-located national checking offices.

3.2.3. The official locally responsible for checks may order the cavities of cars to be inspected at irregular intervals or for specific reasons, if necessary with the assistance of the train inspector, to ensure that persons or objects subject to frontier police checks are not concealed in them. The officer carrying out the checks shall operate on the basis of his national responsibilities. Where there exist reasons for believing that persons who have been reported or suspected of having committed an offence, or aliens intending to enter illegally, are hiding on a train, the checking officer, if he cannot act in accordance with his national provisions, shall notify the Member States within whose territory the train is moving.

3.2.4. In the case of persons travelling in sleeper or couchette compartments, the documents enabling them to cross the frontier shall normally be checked in the compartment of the attendant, provided that he has collected these documents

in compliance with the rules applicable to him and that he keeps them available for checks. At the beginning of the check the presence of the documents enabling all the passengers to cross the frontier must be verified by comparing these documents with the occupancy and/or booking list. The identity of the persons in the compartments must be verified, if possible in the presence of the attendant, at irregular intervals or where specific reasons exist.

3.3. CHECKS ON INTERNATIONAL CIVIL AIR TRAFFIC

(Article 6 of the Convention)

3.3.1. Temporary provisions pending the entry into force of the procedure laid down in Article 6 of the Convention.

Until the entry into force of the procedure laid down in Article 6 of the Convention, passengers on domestic flights shall be checked in the same way as passengers on flights from and to third States. Checks must comply with the principles and arrangements laid down in Part II, sections 1 and 2.

More particularly, the following provisions shall apply to these transitional arrangements:

3.3.1.1. As regards international civil air traffic, checks on persons must normally be carried out at the first airport or landing ground (airport of entry) or at the last airport or landing ground (airport of exit) of the Contracting Party concerned.

3.3.1.2. In order to facilitate international civil aviation traffic, the officer locally responsible for checks may, subject to authorization granted by the authority responsible for customs checks on hand baggage and having regard to air traffic security measures, agree, notwithstanding the provisions of section 3.3.1.1, that checks are carried out at the airport of destination, if the following conditions are met:

- the flight is from or to a third State with more than one stop-over provided that there is no change of aircraft (transit flights) and provided that the air carrier does not take on passengers for the legs between national airports;

- in the case of transit, the passengers remain on board the aircraft or, while waiting to continue the flight, are kept in a transit area or other place where no contact with passengers on domestic flights is possible.

3.3.1.3. Passengers on a flight from and to a third State who travel through an airport of a Contracting Party and stop over in the territory of the Contracting Parties shall be checked only if they leave the airport transit area or if special circumstances so require.

3.3.2. From that date, the place where persons and hand baggage are checked will be determined in accordance with the following procedure:

3.3.2.1. Passengers on flights exclusively from or to the territory of the Member States which do not land on the territory of a third State (internal flights) shall not be subject to checks.

(Examples: Luxembourg - Paris
or
Rome - Brussels - Hamburg:
no checks)

3.3.2.2. Passengers on a flight from a third State, who board an internal flight, shall be subject to an entry check at the airport of arrival of the flight from a third State. Passengers on an internal flight who board a flight for a third State (transfer passengers) shall be subject to an exit check at the airport of departure of the latter flight.

(Examples: New York - Paris, with a connection in Paris to Rome (internal flight):
entry check in Paris
or
Brussels - Frankfurt (internal flight) with a transfer at Frankfurt to Singapore:
exit check at Frankfurt)

3.3.2.3. For flights from or to third States with no transfer passengers and flights making more than one stop-over at the airports of the Member States where there is no change of plane:

a. passengers on flights from or to third States where there is no prior or subsequent transfer within the territory of the Member States shall be subject to an entry check at the airport of entry and an exit check at the airport of exit;

(Examples: New York - Paris:
entry check at Paris
or
Rome - Cairo:
exit check at Rome)

b. Passengers on flights from or to third States with more than one stop-over on the territory of the Member States where there is no change of plane (transit passengers) and provided that passengers cannot board the aircraft for the leg situated within Community territory shall be subject to an entry check at the

airport of arrival and an exit check at the airport of departure.
(Examples: New York - Paris - Frankfurt - Rome,
with stop-overs at Paris and Frankfurt only for disembarking passengers, boarding for the remaining air leg being prohibited: checks for passengers disembarking at Paris, Frankfurt and Rome respectively
or
Hamburg - Brussels - Paris - Cairo, stop-overs at Brussels and Paris only for boarding passengers, disembarking being prohibited:
exit check for passengers boarding at Hamburg, Brussels and Paris respectively)

c. Where an airline may, for flights from third States with more than one stop-over within the territory of the Member States, take on passengers only for the remaining leg within this territory, passengers shall be subject to an exit check at the airport of departure and an entry check at the airport of arrival. Checks on passengers who, during these stop-overs, are already on board the aircraft and have not boarded in the territory of the Member States shall be carried out in accordance with section 3.3.2.3.(b). The reverse procedure shall apply to this category of flights where the country of destination is a third State.
(Examples: New York - Paris - Frankfurt - Rome,
boarding being authorized at the Paris and Frankfurt stop-overs:
entry check for passengers landing at Paris, Frankfurt (including those who boarded at Paris) and Rome (including those who boarded at Paris or Frankfurt) respectively and exit check for passengers boarding at Paris and Frankfurt respectively,
or
Hamburg - Brussels - Paris - Cairo, landing being authorized at the stop-overs at Brussels and Paris:
exit check for passengers boarding at Hamburg, Brussels and Paris respectively and entry check for passengers landing at Brussels and Paris respectively)

3.3.3. Checks on persons shall normally be carried out off the aircraft. In order to ensure that passengers may be checked in accordance with the provisions of Part II, sections 1 and 2, at the airports designated as authorized frontier crossing-points,

passenger traffic should be channelled, in agreement with the airport authorities and the transport undertaking, to facilities reserved for checks. The airport authority must take the necessary measures to prevent unauthorized persons from entering or leaving restricted areas, such as the transit area.

3.3.4. Special provisions for checks on the members of aircraft crews are set out in Part II, section 6.4.2.

3.3.5. Where, in cases of "force majeure" of imminent danger or on the instructions of the authorities, an aircraft on an international flight has to land on a landing ground which is not an authorized frontier crossing-point, that aircraft may continue its flight only after authorization from the authorities responsible for frontier checks and surveillance and from customs. The same shall apply where a foreign aircraft lands without permission. The rules set out in Part II, sections 1 and 2, shall apply to checks on aircraft passengers.

3.3.6. The arrangements for the entry and exit of gliders, home-made aircraft and balloons shall be laid down by national law and, where appropriate, by bilateral agreements.

3.4. CHECKS ON MARITIME TRAFFIC

3.4.1. Definitions

3.4.1.1. "Maritime traffic" means all shipping for business purposes between two or more ports or moorings, with the exclusion of regular ferry services, pleasure boating, coastal fisheries and inland waterway transport.

3.4.1.2. Under the international provisions regulating maritime traffic, "passenger" means any person on board a vessel who is not a member of the crew.

3.4.1.3. "Crew" means the persons whose names appear on the crew list and who have been employed in order to carry out activities directly linked to shipping on board the vessel.

3.4.1.4. "Shipowner's agent" means the individual or corporation who represents the shipowner on the spot in all matters relating to the shipowner's duties.

3.4.1.5. "Scheduled ferry service" means all services exclusively from or to other ports situated in the territory of the Member States, which do not call at ports situated outside the territory of the Member States and which carry persons and vehicles in accordance with a scheduled timetable.

3.4.1.6. "Cruise ship" means a ship which follows a given itinerary in accordance with a pre-determined programme, whose passengers take part in a collective programme of tourist activities in the various ports and which normally neither takes passengers on nor allows them to land during the voyage.

3.4.1.7. "Pleasure boating" means the use of pleasure boats equipped with sails and/or an engine for private use which are used for sporting or tourism purposes.

3.4.1.8. "Coastal fisheries" means fishing carried out with the aid of vessels which return every day or after a few days to a port situated in the territory of a Member State without calling at a port situated in a third State.

3.4.2. Checking procedures

3.4.2.1. Checks shall normally be carried out at the port of arrival or departure, on board ship or in an area set aside for the purpose, located in the immediate vicinity of the port.

In accordance with the agreements reached on the matter, checks may also be carried out during crossings or, upon the ship's arrival or departure, in the territory of a third State.

3.4.2.2. The purpose of checks is to ensure that both crew and passengers fulfil the conditions laid down in Part II, sections 1 and 2.

3.4.2.3. In the event of special circumstances as defined in 1.3.5, checks on shipping traffic may be relaxed.

In the case of very heavy traffic and where it proves impossible, despite the mobilization of all staff and organizational resources, to check all passengers, officers may carry out spot checks, in accordance with the priorities laid down with regard to the specific situation by the locally responsible official. In this respect, checks on entry shall normally take priority over checks on exit.

3.4.2.4. Checks on crew members shall be carried out in accordance with the provisions of Part II, sections 6.5 et seq.

3.4.3. Obligations of the ship's captain

3.4.3.1. The ship's captain, or failing that the shipowner's agent representing the shipping company, shall draw up a list in duplicate of the crew and, if possible, of the passengers and on arrival at the port shall give it to the officers responsible for checks, which shall be carried out on board ship or nearby. If, for reasons of "force majeure" this list cannot be sent to the officers carrying out checks, a copy must be sent to the appropriate border post or shipping authority, which will see that it is forwarded without delay to the authorities empowered to carry out frontier checks.

As regards scheduled ferry services, the ship's captain or, in his place, the shipowner's agent representing the shipping company shall not be required to draw up a passenger list.

3.4.3.2. One copy of the two lists duly signed by the checking officer shall be returned to the ship's captain, who must be able to produce it on request when in port.

3.4.3.3. The ship's captain or, failing that, the shipowner's agent must report promptly any alterations to the composition of the crew or the number of passengers.

3.4.3.4. In addition, the captain is required to notify the authorities responsible promptly, and if possible even before the ship enters port, of the presence on board of stowaways. Stowaways shall, however, remain under the responsibility of the ship's captain.

3.4.3.5. The ship's captain or, failing that, the shipowner's agent must notify the frontier check services of the ship's departure in good time and in accordance with the provisions in force in the port concerned; if he is unable to notify these services, he must advise the appropriate shipping authority. The second copy of the previously completed and signed list(s) shall be returned to these bodies.

3.4.4. Exceptions to the procedures for checks laid down in section 3.4.2

3.4.4.1. Passengers and crew on board ferries providing scheduled services as referred to in section 3.4.1.5 shall not normally be checked.

3.4.4.2. If a cruise ship calls in succession at several ports situated in the territory of the Member States without calling at a port situated outside that territory, checks shall normally be carried out only at the first and last port situated within the territory of the Member States.

3.4.4.3. As a general rule, checks on persons on board pleasure boats from a third State shall be carried out on entry and on exit in a port which is an authorized frontier crossing-point of the territory of the Member States.

However, where a pleasure boat wishes, exceptionally, to enter a port which is not an authorized frontier crossing-point, the authorities responsible for checks must be notified if possible before the vessel enters port and in any event when it arrives. The declaration regarding passengers shall be made by lodging the list of persons on board ship with the local authorities. This list shall be made available to the authorities responsible for checks.

Each Member State may require pleasure boats from a third State to anchor in an authorized entry port in which the persons on board are checked.

When the check is carried out, a document containing all the technical characteristics of the vessel and the names of the persons on board shall be handed in.

A copy of this document shall be given to the authorities in the first authorized port of entry and another copy to the authorities of the last authorized port before departure to a third country. As long as the vessel remains in the territorial waters of one of the Member States, a copy of this list must be included among the ship's papers.

If for reasons of "force majeure" the vessel has to anchor in another port, the authorities in the nearest authorized port of entry must be contacted.

3.4.4.4. The crews of coastal fisheries vessels returning every day or nearly every day to the port of registration or to any other port situated in the territory of the Member States without docking in a port situated in the territory of a third State shall not normally be checked. If, however, the coastline of a third State is located in the immediate vicinity of the territory of a Member State, random checks should be carried out in order to combat illegal immigration. This provision shall apply also to persons on game fishing trips who occasionally spend a day on board vessels used for such purposes.

The crews of coastal fisheries vessels not registered in a port situated in the territory of a Contracting Party shall be checked in accordance with the provisions of sections 3.4.2 and 6.5.

The ship's captain or, failing that, the shipowner's agent representing the shipping company is required to notify the appropriate authorities of any alteration to the crew list and of the presence of any passengers.

3.5. CHECKS ON INLAND WATERWAYS SHIPPING

3.5.1. Inland waterways shipping involving the crossing of an external frontier covers the use for business or pleasure purposes of all types of boat and floating vessels on rivers, canals and lakes.

3.5.2. As regards boats used for business purposes, the captain and the persons employed on board who appear on the crew list and members of the families of these persons who live on board shall be regarded as crew members or equivalent.

3.5.3. The relevant provisions of section 3.4.1 and the provisions of sections 3.4.2, 3.4.3 and 3.4.4 shall apply mutatis mutandis.

4. COOPERATION

In order to ensure the uniform and effective application of surveillance and checking measures, police forces and Member States' authorities responsible for checking persons shall maintain close and permanent co-operation in all areas.

4.1. EXCHANGE OF INFORMATION

The exchange of information is encouraged in order to make for better checks and better knowledge of migratory flows, of the regulations in force in the Contracting Parties and of the techniques used by officers responsible for checks.

The exchange of personal data shall comply with the Member States' national provisions on data protection.

Exchanges shall cover the following subjects:

between central services:

- monthly statistics resulting from checking and on the various forms of illegal immigration.

between central services and, where necessary, between check posts:

- methods of manufacturing, forging and fraudulently using documents enabling the holders to cross frontiers;

- processes for the detection by checking services of counterfeit, false or illegally appropriated documents enabling the holders to cross frontiers;

- clandestine routes and frontier crossing practices;

- current situations for which the assistance of or information from other checking services may be useful;

- implementation of joint intervention measures in the case of specific events.

Depending on its nature, information will be sent between central or local national services by the following means:

- by post;
- by (public) stationary or mobile radio, telephone, telex or facsimile networks and by special police networks, possibly after the development of standard technical specifications;
- through liaison officials seconded to central national services;
- through the contact services of frontier police;
- as part of joint service cooperation and work seminars.

4.2. LIAISON OFFICIALS

The Contracting Parties may second permanent liaison officials to national central services. Secondment may be bilateral or unilateral. In specific situations, liaison officials may be assigned to other services of the Member States for a given period.

5. ISSUING VISAS AT THE FRONTIER

If for lack of time and for pressing reasons an alien has been unable to apply for a visa, in exceptional circumstances the authorities responsible may issue him with a short-stay visa at the frontier, in accordance with national provisions, provided that:

- he holds a valid document authorizing him to cross the frontier (see Annex 4);
- he fulfils the conditions for entry laid down in Article 7(1)(a),(c),(d) and (e) of the Convention;
- he claims an unforeseeable and pressing reason for entry, backed where possible by a supporting document (for example, serious and sudden occurrences involving members of the family, urgent medical treatment, change of destination of aircraft for technical or weather reasons, urgent professional reasons), and
- return to his country of origin or onward passage to a third State is assured.

In specific cases, national provisions may provide for authorization by higher bodies.

5.1. A person not entitled under Community law who applies for a transit visa at the frontier for the territory of the Member States must comply with the conditions laid down in sections 5 and 5.1 and possess the visas required to continue his journey to other States of transit, which are not Member States, and in the State of destination. The duration of passage through the territory of the Contracting Parties may not exceed five days. It must allow for direct transit through the territory of the Member State or Member States concerned, including the inevitable or customary interruptions for this type of journey.

5.2. Visas shall be issued by affixing a stamp or a sticker on the travel document which may bear a visa. If there is not sufficient space in this document, the stamp or sticker shall be affixed, by way of exception, on a separate sheet inserted in the document. Specimen separate sheets are shown in Annex 12.

5.3. Visas issued at the frontier must be recorded on a list.

6. SPECIAL ARRANGEMENTS

6.1. NATIONALS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITY AND MEMBERS FROM THIRD STATES WHO ARE ENTITLED UNDER COMMUNITY LAW PURSUANT TO ARTICLE 1(1) OF THE CONVENTION

6.1.1. In order to enter the territory of the Member States, nationals of the Member States of the European Community must hold a valid document enabling them to cross the border as provided for in Annex 4, but shall be exempt from the visa requirement.

6.1.2. Aliens entitled under Community law who are subject, on the basis of the legal provisions of Article 100c of the Treaty establishing the European Community, to the visa requirement shall remain subject to this requirement. Members of their families who are entitled under Community law within the meaning of Article 1(1)(a)(ii) of the Convention shall be subject to the visa requirement where, notwithstanding the legal provisions of Article 100c of the Treaty establishing the EC, national law so determines. This will not affect the possibility referred to in section 6.2 of entering without the need for a visa.

6.1.3. A person entitled under Community law 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 jeopardize public order, national security or public health. The national lists of wanted persons may be consulted for this purpose and result in entry being refused.

If in such a case the official responsible for checks refuses to allow a person entitled under Community law to enter the territory of a Member State, he shall give such person written notification thereof, setting out the reasons for refusal.

6.1.4. Apart from the cases relating to the absence of the necessary documents referred to in section 6.1.2, the aliens referred to in that point can be refused entry only on specific grounds concerning public order, national security or public health. Flexibility must be shown in taking decisions on issuing visas to persons requiring a visa who are entitled under Community law.

As regards refusing entry, the provisions laid down in section 1.4.1 shall be applied in accordance with national law.

6.2. ALIENS HOLDING A RESIDENCE PERMIT ISSUED BY ANOTHER MEMBER STATE

Aliens holding a valid residence permit issued by another Member State are exempt from the visa requirement for entering the territory of the other Member States. Section 1.4.9 shall also apply.

6.3. STATUTORY REFUGEES AND STATELESS PERSONS

6.3.1 The travel document for refugees, issued pursuant to the Convention on the Status of Refugees of 28 July 1951 (Geneva Convention on Refugees), shall be accepted as a document enabling the holder to cross frontiers.

The visa arrangements for the holders of a travel document for refugees shall be regulated by national law. However, the following special rules must be complied with:

- the holders of a travel document for refugees who hold a residence permit issued by a Member State are dispensed from the requirement for a visa to enter the territory of the Member States;

- the holders of a travel document for refugees issued by Iceland, Liechtenstein, Malta, Norway, Sweden or Switzerland are dispensed from the visa requirement

for entering the territory of the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Portuguese Republic. The holders of such travel documents shall be subject to the requirement for a visa to enter the territory of the Hellenic Republic and the French Republic.

The following rules shall apply in the case of the Kingdom of Denmark, Ireland and the United Kingdom:

6.3.2. The travel document for stateless persons, issued pursuant to the Convention on the Status of Stateless Persons of 28 September 1954, shall be accepted as a document enabling the holder to cross the frontier, with the exception of entry to the territory of the Portuguese Republic.

Holders of a travel document for stateless persons shall be subject to the requirement for an entry visa unless they hold a residence permit issued by one of the Contracting Parties.

6.4. PILOTS OF AIRCRAFT AND OTHER CREW MEMBERS

6.4.1. The holders of a pilot's licence or a Crew Member Certificate as provided for in Annex 9 to the Civil Aviation Convention of 7 December 1944 are exempt from the requirement for a passport and a visa provided that, in the course of their duties:

- they do not leave the stop-over airport;
- they do not leave the airport of arrival;
- they do not leave the territory of the airport municipality;
- they leave the airport only to go to another airport situated in the territory of a Contracting Party.

6.4.2. The provisions of Part II, sections 1.3 et seq., regulate checks on aircraft crew.

Wherever possible, priority must be given to checks on aircraft crews. Specifically, they shall be checked either before passengers or at special locations set aside for the purpose.

Crews known to staff responsible for checks in the performance of their duties may be subject to random checks only.

6.5. SEAMEN

6.5.1. "Seamen" means crews as defined in section 3.4.1.3.

6.5.2. Seamen holding a seaman's book or a seafarer's identity document (issued in accordance with the Geneva Convention of 13 May 1958) may, in accordance with the provisions of the London Convention of 9 April 1965 and national provisions, go ashore to stay in the area of the port where their ships call or in the adjacent municipalities without presenting themselves at a frontier crossing-point, on condition that they appear on the crew list, which has previously been submitted for checking, of the ship to which they belong and that they hold a visa where appropriate. If a seaman constitutes a threat to public order or national security, he may be refused permission to go ashore.

6.5.3. Seamen who intend to stay outside the municipalities situated in the vicinity of ports must comply with the conditions for entry to the territory of the Member States and, in particular, hold a valid travel document bearing a visa where appropriate and have sufficient means of subsistence.

6.5.4. Without prejudice to the provisions laid down in Part I, sections 1 et seq., holders of a seaman's book or a seafarer's identity document may be authorized to enter the territory of the Member States only in the circumstances set out below:

- boarding a ship which has already anchored or is about to arrive in a port of the Member States;

- transit to a third State or return to the State of origin;

- emergency cases or cases of necessity (illness, dismissal, end of contract, etc.).

In such cases, officers responsible for frontier checks shall conduct the necessary verification to ensure that entry checks have not been circumvented as a result of the relaxations applied to this category of persons.

Such verification may cover the following:

- written declaration by the shipowner or by the shipowner's agent concerned;
- written declaration by the appropriate diplomatic or consular authorities;
- proof obtained as a result of specific verification with the police authorities or, where appropriate, with other responsible administrations;
- contract authenticated by the affixing of the maritime authority's stamp.

6.6. HOLDERS OF DIPLOMATIC, OFFICIAL OR SERVICE PASSPORTS

In view of the special privileges or immunities which they enjoy, the holders of diplomatic, official or service passports issued by States or Governments recognized by the Member States who are travelling in the course of their duties shall, wherever possible, be granted favourable treatment by being given priority over other travellers at frontier checks even though they remain, where necessary, subject to the requirement for a visa.

Accredited members of diplomatic missions and of consular representations and their families who hold the card issued by the Ministry of Foreign Affairs may enter the territory of the Member States on presentation of the card and, if necessary, of the document authorizing them to cross the frontier. Specimen cards are shown in Annex 13.

If a person presenting himself at the external frontier invokes privileges, immunities and exemptions, the officer responsible for checks may require him to provide proof of his status by presentation of the appropriate documents, in particular certificates issued by the accrediting State or a diplomatic passport or other means. If he has doubts, the officer may, in case of urgent need, apply directly to the Ministry of Foreign Affairs.

As a general rule, the holders of these documents shall not normally be required to prove that they have sufficient means of subsistence.

Moreover, checking officers may not in any circumstances refuse the holders of diplomatic, official or service passports entry to the territory of the Member States without first consulting the appropriate national authorities. This shall also apply where the individual concerned is reported in the European Information System.

6.7. CROSS-FRONTIER WORKERS

6.7.1. The status of cross-frontier workers shall be determined by the national law of the Member States.

6.7.2. The procedures for checking cross-frontier workers are governed by the provisions for checks on aliens. Checks may be relaxed in accordance with section 1.3.5.3.

6.8. MINORS

6.8.1. Minors crossing the frontier shall be subject to the same checks as adults, even where they are accompanied by persons having parental care over them.

Checking staff must pay particular attention to minors travelling unaccompanied. They must ensure wherever possible that minors do not leave the territory against the wishes of the persons having parental care over them.

6.8.2. Special considerations are to be taken into account for checks on minors who because of their age are not subject to the requirement for a visa.

6.8.3. If a minor subject to the requirement for a visa by one Member State presents himself at that State's frontier to request transit to the territory of a Member State which exempts him from the visa requirement on account of his age, the decision to issue him with a transit visa will be taken insofar as it does not conflict with other interests, such as for example the principle of family reunification or the carrying out of paid work.

6.9. GROUP TRIPS

6.9.1. The intensity of checks to which group trip participants are subject will normally depend on their nationality.

6.9.2. In particular cases, such as for example school trips or groups of retired people or pilgrims, checks may be restricted to verification on the basis of the occupancy list or random checks of travellers. In any event, the head of the group must be checked in the ordinary way.

6.10. ALIENS WHO SUBMIT AN APPLICATION FOR ASYLUM AT THE FRONTIER

If an alien requests asylum at the frontier, the national laws of the Member State concerned shall apply until it is determined who has responsibility for dealing with the application for asylum.

6.11. MEMBERS OF INTERNATIONAL ORGANIZATIONS

Holders of the following documents issued by the international organizations listed below may, in carrying out their duties, be granted preferential treatment where possible with regard to other travellers during frontier checks.

As a general rule, holders of these documents are not required to prove that they have sufficient means of subsistence.

The documents taken into consideration, are, in particular, the following:

- United Nations laissez-passer issued to staff of the United Nations and subordinate agencies under the Convention on Privileges and Immunities of Specialized Agencies adopted by the United Nations General Assembly on 21 November 1947 in New York;

- laissez-passer issued by the High Authority of the European Coal and Steel Community (ECSC);

- European Economic Community (EEC) laissez-passer;

- European Atomic Energy Community (EURATOM) laissez-passer;

- legitimacy certificate issued by the Secretary-General of the Council of Europe;

- documents issued by a NATO Headquarters (military ID card accompanied by a travel order, travel warrant, or an individual or group service order).