

Notifications under Article 37 of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)

The obligation on third-country nationals to report their presence on the territory of any Member State pursuant to Article 21(d)

(2008/C 18/04)

BELGIUM

This obligation is set out in detail in the following measures:

- Section 5 of the Act of 15 December 1980 on access to the territory, residence, establishment and deportation of non-nationals:

'Non-nationals who are not staying in an establishment which by law must register them as travellers must register at the administration of the commune in which they are staying within three working days of their arrival in the kingdom, unless they belong to one of the categories of non-nationals which the King has excused from this obligation.'

The King shall determine the method of registration and the form of the document issued at registration proving registration has occurred.'

- Section 18 of the Royal Decree of 8 October 1981 on access to the territory, residence, establishment and deportation of non-nationals:

'The obligation to register with the local authorities does not apply to:

1. Non-nationals who are admitted for treatment to a hospital or similar establishment during their visit to Belgium;
2. A non-national who is detained and held in a prison or social welfare establishment.'

- Section 27 of the Royal Decree of 8 October 1981 on access to the territory, residence, establishment and deportation of non-nationals:

'Non-national children below the age of 15 must be registered with the local authorities by their father or mother, or by the person or institution responsible for them.'

- Section 28 of the Royal Decree of 8 October 1981 on access to the territory, residence, establishment and deportation of non-nationals:

'Non-nationals living in caravans, cars or boats must register within the stipulated time limit on the list of non-nationals in the commune in which they wish to receive

official communications. The local commune authorities are responsible for issuing a certificate recognising their presence on the list of non-nationals registered with the commune in question.'

BULGARIA

The obligation of third-country nationals to report their presence on the territory of any Member State pursuant to Article 22 of the Schengen Convention is governed by the Law on foreign nationals in the Republic of Bulgaria:

Article 18(1): 'When entering the Republic of Bulgaria, foreign nationals shall fill in an address card in accordance with the model approved by the Minister of the Interior on which they declare the aim of their visit and indicate in writing the address at which they will reside.'

CZECH REPUBLIC

The obligation on third-country nationals to report their presence on the territory of the Czech Republic pursuant to the provisions of Article 22 of the Schengen Convention is stipulated by Act No 326/1999 Coll., on the Stay of Aliens in the Territory of the Czech Republic (Chapter VII, § § 93 - 102 concerning report of stay on the territory).

According to the Act the foreigner is obliged to report his/her presence on the territory of the Czech Republic within three days upon his/her arrival at the Police.

DENMARK

Denmark has chosen not to implement Article 22 of the Schengen Agreement.

The Aliens Act and the Aliens Order do not contain any provisions on the obligation of third-country nationals to notify their presence in the country when entering from another Schengen country.

GERMANY

Article 22 of the Schengen Convention requires third-country nationals to report their presence on the territory of a Member State. Sections 11, 14 and 16 of the Framework Registration Act

and the corresponding provisions of the Länder registration legislation provide for this reporting requirement.

The Framework Registration Act and the Länder registration legislation require everyone to register when they move into accommodation in Germany and to de-register when they leave the country. They must register or de-register with the local registration office within one/two weeks of moving in or out.

This registration requirement applies to both Germans and non-nationals. There is therefore no distinction between nationals of other EU countries and third-country citizens.

This is without prejudice to the special registration requirement for people staying in accommodation, hospitals or care homes.

ESTONIA

Pursuant to Article 9 of State Borders Act (published in the *Riigi Teataja* (State Gazette) I 1994, 54, 902; 2006, 26, 191), State border can be crossed through border checkpoints. For this reason notification of presence is not necessary.

GREECE

Article 87(1) and (2) of Law 3386/2005 provides that third country nationals must, immediately upon entry into Greece, report their arrival to the persons providing accommodation to them by presenting their passport or any other travel document recognised by international conventions, an entry visa or a residence permit. The persons providing accommodation or temporary residence must then immediately notify the Police Department and the competent Foreigners and Immigration Office of the arrival and departure of the foreigners they are putting up. A fine ranging from EUR 1 500 to EUR 3 000 is imposed on foreigners and other persons who violate the relevant provisions.

SPAIN

Under Spanish law, third-country nationals are required in certain cases to declare that they have entered the country.

Article 12 of Royal Decree 2393/2004 of 30 December 2004 adopting the implementing Regulations on Organic Law 4/2000 of 11 January 2000 on the rights and freedoms of foreign nationals in Spain and their social integration, reads as follows:

1. 'Foreign nationals arriving on Spanish territory who have come from a country with which Spain has signed an

agreement on the abolition of border controls shall be obliged to declare their entry in person to the Spanish police authorities.';

2. 'If such a declaration is not made at the time of entry, it must be made within three working days of the date of entry at any National Police station or Aliens Office.'

FRANCE

French legislation provides this obligation under Articles L. 531-2, R. 211-32, R.211-33, R.212-5 and R.212-6 of the CESEDA (*Code de l'entrée et du séjour des étrangers et du droit d'asile*), that states that third-country nationals shall subscribe to a declaration at their entry on the metropolitan territory.

ITALY

The information will be published later.

CYPRUS

Regulations 242/72, as amended, issued under the Aliens and Immigration Law, Cap. 105, as amended, paragraphs 35 and 36, provide that any alien who arrives in the Republic of Cyprus shall within seven days of his arrival present himself to the office of the registration officer of the registration district in which he intends to have his residence or intended residence and shall be issued under this provision a certificate of registration.

LATVIA

Third-country nationals, when applying for permanent or temporary residence permits in the Republic of Latvia must declare their place of residence.

LITHUANIA

There are no obligations on third-country nationals to report their presence on the territory of Lithuania pursuant to the provisions of Article 22 of the Schengen Convention.

LUXEMBOURG

Third-country nationals have to report their presence in the country within three days to the commune or to the hotel where they are staying.

HUNGARY

Article 88 of Act XXXIX of 2001 on the entry and stay of Foreigners stipulates that foreigners are obliged to report their place of accommodation to the Aliens policing authorities.

MALTA

Currently, third-country nationals are only bound to comply with the entry requirements as stipulated in the Immigration Act (Cap. 217) and subsidiary legislation. Legislation as stipulated in Article 22 of the Schengen Convention is to be enacted prior to Malta's accession to the Schengen zone.

THE NETHERLANDS

Article 4.4 of the Aliens Decree specifies that a foreign national who enters or leaves the Netherlands via an external boundary must report to a border crossing point at the external border during opening hours and report to an official responsible for border control. Our Minister may grant an exemption from this requirement in certain circumstances. The foregoing does not apply to citizens of the Benelux countries.

Conditional access may also be made subject to a registration requirement. As regards the registration requirement, this involves, in principle: reporting within three days to the Aliens Police division of the regional police force covering the municipality where the foreign national will be staying. If, because of a Saturday, Sunday or public holiday, the foreign national is not able to fulfil the registration requirement within three days, the following endorsement will be made on the border crossing document: 'report not later than (date)'.

Article 4.39, Aliens Decree, also provides that a foreign national without lawful residence must immediately report in person to the Commissioner of Police of the regional police force covering the municipality where he is staying.

Article 4.47 of the Aliens Decree specifies as follows:

- '1. A foreign national residing lawfully, as defined in section 8.i of the Act, and who has arrived in the Netherlands for a stay of longer than three months, must report in person within three days after his arrival in the Netherlands to the Commissioner of Police of the regional police force covering the municipality in which his place of residence is situated.
2. In calculating the period of three months mentioned in paragraph 1, earlier residence in the Netherlands within a period of six months immediately prior to arrival will be taken into account.
3. If the foreign national is below the age of 12 years, the person with whom he is living or residing will make the report.'

Article 4.48 of the Aliens Decree specifies as follows:

- '1. A foreign national residing lawfully, as defined in section 8.i of the Act, and who has arrived in the Netherlands for a stay of a maximum of three months, must report in person within three days after his arrival in the Netherlands to the Commissioner of Police of the regional police force covering the municipality in which his place of residence is situated.
2. Any registration requirement under the foregoing paragraph for a foreign national below the age of 12 years will be incumbent on the individual with whom the foreign national is living or residing.
3. Paragraph 1 does not apply to foreign nationals who take lodgings in a hotel or an institution whose owner, occupier or manager is obliged by municipal regulations to intimate the provision of overnight accommodation to individuals to the designated authorities.'

Article 4.49 of the Aliens Decree specifies as follows:

- '1. A foreign national in possession of a visa or document for crossing borders in which the appropriate competent authority has placed a notification concerning reporting to the Aliens Police in the Netherlands will, within three days after his arrival in the Netherlands, report in person to the Commissioner of Police of the regional police force covering the municipality specified in that endorsement.
2. Paragraph 1 is not applicable to citizens of a State which is a party to the Treaty on the incorporation of the European Community, the Agreement relating to the European Economic Area or citizens of Switzerland.'

Article 4.50 of the Aliens Decree specifies as follows:

- '1. The foreign national who has come to the Netherlands to seek work as a seaman on board a ship will, within three days after his arrival in the Netherlands, report in person to the Commissioner of Police of the regional police force for the municipality where he is looking for work.
2. Paragraph 1 is not applicable to citizens of a State which is a party to the Treaty establishing the European Community, the Agreement on the European Economic Area or citizens of Switzerland.'

AUSTRIA

§ 5 of the Federal Austrian Act governing the obligation to register with the police (Reporting Act 1991 — MeldeG), Federal Austrian Law Gazette 1992/9 in the version of Federal Austrian Law Gazette I 2006/45

Accommodation in hotels

'(1) Anyone who takes up accommodation as a guest in a hotel must, irrespective of the period for which he/she avails him/herself of said accommodation, be registered by means of an entry in the visitors' book without undue delay and in any case within 24 hours of arrival.

(2) Anyone leaving accommodation as a guest in a hotel must have his/her registration cancelled by means of an entry in the visitors' book within the period from 24 hours prior to departure until immediately after departure.

(3) Members of tour parties comprising at least eight people shall be excluded, with the exception of the group leader, from the obligation to register as per (1) and (2), if, on arrival at the accommodation, the group leader submits to the host or his/her authorised representative a collective list, showing the names and nationality and — in the case of foreign guests — the type, number and issuing authority of the travel document, for this group of people. This provision shall apply only if the tour party does not take accommodation in the same hotel together for any longer than one week.

(4) Where the period of accommodation in a hotel amounts to more than two months, the guest must also be registered with the registration authorities. The registration must be effected no later than the third day after the two months have elapsed; otherwise, the provisions of § 3 and 4 shall apply *mutatis mutandis*.'

§ 6 of Federal Austrian Act governing the obligation to register with the police (Reporting Act 1991 — MeldeG), Federal Austrian Law Gazette 1992/9 in the version of Federal Austrian Law Gazette I 2006/45

'Aliens subject to the obligation to register who pursue gainful employment in the territory of the Federal Republic of Austria which requires an official permit must, notwithstanding any obligation to register pursuant to § 5, also be registered with and have their registration cancelled by the reporting authorities. The provisions of § 3 and 4 shall apply *mutatis mutandis*.'

§ 3 Reporting Act (MeldeG) — accommodation in apartments; registration

'(1) Anyone taking up accommodation in an apartment must be registered with the registration authorities within three days thereafter.

(2) The registration form must be completed in full as appropriate for each person to be registered. If the apartment is located in a building with a number of addresses, the designation of the apartment as per § 14 (2) of the Austrian Post Office Act 1997 should be used.

(3) The registration form, duly completed, and public notarial deeds showing the identity data (§ 1 (5a)) — apart from the number on the Residential Register — of the person taking up the accommodation are required for registration; this person is

obliged to collaborate on establishment of his/her identity. If this person registers this accommodation as his/her main place of residence and if the person to be registered has already registered a main place of residence in the territory of the Federal Republic of Austria, any cancellation of registration or change of registration (§ 11 (2)) in respect of this accommodation must be effected at that registration office competent for the main place of residence at the same time.

(4) The registration office must confirm the registration and where appropriate any change of registration or cancellation of registration in writing. This is done by applying the registration note to one copy, which shows the registrations from the aggregate database which have been maintained or — on request from the party obliged to register — to one copy of the registration data amended most recently. If, in the course of a registration, a change of registration is made with a registration office competent in accordance with (3), the latter registration office shall be responsible for amending the Central Residential Register; the registration office affected (1) shall be provided with the opportunity to access the Central Residential Register for information purposes.'

§ 4 MeldeG — Accommodation in apartments; cancellation of registration

'(1) Any person giving up accommodation in an apartment must have his/her registration at the registration office cancelled within three days before or after he/she does so.

(2) Provided documentary evidence is furnished of the identity of the person subject to a registration obligation, the registration may also be cancelled at the registration office competent for the registration when a registration is made.

(3) A registration form must be duly completed in full for every person whose registration is to be cancelled.

(4) The registration office must confirm the cancellation on the copy in writing of the aggregate database (§ 16) for the party affected or, on request from the latter, on a copy of the registration data as most recently amended, by application of the registration note which will be handed to the person subject to a registration obligation as documentary evidence that the registration has been cancelled. If cancellation of registration is effected at a registration office competent in accordance with (2) or § 3 (3), the latter registration office shall be responsible for amending the Central Residential Register; the registration office affected (1) shall be provided with access to the Central Residential Register for information purposes.'

§ 1 MeldeG — Definitions of terms

'(5a) Identity data are names, sex, dates of birth (town, date, province, if located in Austria and State, if located abroad), residential register number (central residential register number) and nationality; in the case of aliens, the type, number, issuing office and date of issue and the State of issue of their travel document as well.'

§ 11 MeldeG — Amendment of data registered

‘(2) A change of registration must be effected within one month if those amendments listed in (1) and (1a) were made abroad or if the main place of residence is relocated to accommodation or relocated away from accommodation without any link with a complaint procedure (§ 17). In the change of registration for the new place of residence, the person subject to a registration obligation must provide documentary evidence showing that a change of registration has been effected in respect of the former main place of residence.’

POLAND

According to Articles 23 to 26 of the Law on Register of the Population and Identity Cards of 10 April 1974 (Journal of Laws of 06.139.993 with later amendments), aliens staying on the territory of the Republic of Poland are obliged to report their presence in accordance with the rules set out in the above-mentioned Law.

Aliens staying elsewhere than a hotel, an accommodation provided in connection with work, education, medical treatment or holiday making are obliged to report their temporary presence not later than within four days after crossing the border of the Republic of Poland.

If the fourth day of presence is a holiday, the last reporting day is the next working day.

Temporary stay of a tourist group is reported by the tour leader who is obliged to submit the hotel manager or an authorised member of the hotel staff a list of the tourist's group members and travel documents authorising them to stay on the territory of the Republic of Poland.

1. An alien while reporting his permanent presence shall provide all the required data as well as his or her residence card issued in consequence of granting him or her settlement permit, the EC long-term residence permit, refugee status or tolerated stay permit, or settlement permit, the EC long-term residence permit, decision on giving him or her the refugee status in the Republic of Poland or decision on giving him or her permission for a tolerated stay.

2. An alien reporting temporary stay lasting not longer than three months shall provide required data and presents his or her visa and in case when he or she crossed the border in accordance with an agreement abolishing or limiting the requirement for a visa — a travel document, a alien's temporary identity card, a residence card or a fixed period residence permit, a settlement permission or the EC long-term residence permission or decision on giving him or her the refugee status in the Republic of Poland or decision on giving him or her permission for a tolerated stay.

PORTUGAL

Article 26(1) of Decree-Law 244/98 of 8 August 1998, as amended by Decree-Law 34/2003 of 25 February 2003, makes it

obligatory to report entry into the country: ‘Aliens entering the country from another Member State by way of a border not subject to border control shall be required to report this fact within three working days of such entry’.

ROMANIA

Article 102 of the Aliens Act No 194/2002 provides that:

‘(1) The alien who entered legally on the Romanian territory has the obligation to announce it to the competent territorial authority, three days after the date of entry. The citizens of the EU and EEA Member States are exempted from this obligation.

(2) When accommodated in a hotel or other tourist facility, the alien will fulfil the registration formalities by the administration office; the latter will communicate the necessary data to the competent territorial police authority.’

SLOVENIA

Methods and procedures for the registration and de-registration of permanent and temporary residence and the registration and de-registration of guests are regulated by the Residence Registration Act (ZPPreb-UPB1, Ur. l. RS No 59/2006) which lays down the obligation for aliens to register in various ways according to the type of residence.

1. *Accommodation in a tourist or hotel establishment*

Tourist or hotel establishments are facilities intended for the reception of persons for purposes of overnight accommodation or rest (hotels, motels, health resorts, boarding houses, guest houses, tourist farms, holiday villages, camp sites, marinas, alpine lodges and other houses or buildings used for accommodation or rest purposes).

Aliens staying in a tourist or hotel establishment must be registered by the accommodation provider at the relevant police station within 12 hours of their reception and de-registered within 12 hours of their departure (Article 10(1) ZPPreb).

An accommodation provider is a legal person, independent entrepreneur or natural person that receives guests against payment for the purpose of overnight accommodation or rest, or that offers temporary accommodation to individuals as part of their activities.

2. *Residence in accommodation establishments*

Accommodation establishments comprise single-person housing, student halls of residence and student housing, homes for the elderly, care homes and other facilities designed for communal housing or for carrying out activities which involve 24-hour residence.

Aliens without a residence permit staying in an accommodation establishment must be registered by the accommodation provider at the relevant police station within three days of their arrival and de-registered within three days of their departure (Article 10(2) ZPPreb). Aliens with a residence permit staying in an accommodation establishment must be registered by the accommodation provider at a local government office within three days of their arrival and de-registered within three days of their departure (Article 11(2) ZPPreb).

3. *Residence other than in tourist, hotel or accommodation establishments*

Aliens without a residence permit not staying in a tourist or hotel establishment must register at the relevant police station within three days of crossing the national border or changing accommodation, and de-register before departure (Article 10(3) ZPPreb). Aliens with a valid residence permit who have not registered their permanent or temporary place of residence in the Republic of Slovenia at a local government office must register their temporary residence at a local government office within three days of moving (Article 12(3) ZPPreb).

Aliens with a residence permit must report their temporary place of residence to a local government office within three days of moving if they are temporarily housed or resident outside their place of permanent or temporary residence in facilities such as holiday homes, apartments and other such facilities (other than tourist, lodging or hotel accommodation) and intend to stay there for more than 60 days and have already registered a permanent or temporary place of residence at a local government office (Article 12(1) ZPPreb).

4. *Accommodation in a health establishment*

Healthcare institutions which receive aliens for treatment must notify the competent body within 24 hours of receiving them (Article 84 Ztuj).

SLOVAKIA

The information will be published later.

FINLAND

Aliens Act (301/2004) Section 130 paragraph 3

'A non EU-citizen or comparable alien shall report to the authorities within three days of his or her entry into the country.

Further provisions on reporting may be given by Ministry of the Interior decree.'

SWEDEN

There are no national provisions pertaining to Article 21(d) other than Chapter 6, § 13 of the Aliens Act, which is worded as follows:

'Any person operating a hotel, boarding house or other commercial overnight accommodation business shall ensure that aliens provide details of themselves by personally completing and signing a registration card. The National Police Board may lay down provisions concerning the details to be provided.

The alien shall prove his/her identity by the production of a valid identity document.'

ICELAND

According to Article 17, Paragraph 1 of the Act on Foreigners No 96/2002, a third country national, who has been granted a residence permit in Iceland, shall within one week from arrival, report his presence to authorities. The same rule applies to a third country national who intends to apply for or is required to be in possession of a residence permit.

NORWAY

This question is regulated by the Immigration Act, Section 23, first paragraph regarding the report of presence after crossing of external borders, where it is stated that:

'Any person coming to the realm shall immediately report to passport control or the nearest police authority.'

Further the Immigration Act, Section 14, first paragraph regarding reporting to the authorities, deals with the obligation on foreign nationals to report their presence on the territory. Here it is stated:

'Any foreign national who has been granted a work or residence permit before entry shall no later than one week after the entry report to the local police. The same applies to any foreign nationals who intend to apply for or otherwise need such a permit.'