

Is uirlis doiciméadúcháin amháin an doiciméad seo agus ní ghabhann na hinstiúidí aon dliteanas orthu féin i leith a bhfuil ann

► **B** 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)

(IO L 105, 13.4.2006, p. 1)

Arna leasú le:

		Iris Oifigiúil		
		Uimh	Leathanach	Dáta
► <u>M1</u>	Rialachán (CE) Uimh. 296/2008 ó Pharlaimint na hEorpa agus ón gComhairle an 11 Márta 2008	L 97	60	9.4.2008
► <u>M2</u>	Rialachán (CE) Uimh. 81/2009 ó Pharlaimint na hEorpa agus ón gComhairle an 14 Eanáir 2009	L 35	56	4.2.2009
► <u>M3</u>	Rialachán (CE) Uimh. 810/2009 ó Pharlaimint na hEorpa agus ón gComhairle an 13 Iúil 2009	L 243	1	15.9.2009
► <u>M4</u>	Rialachán (AE) Uimh. 265/2010 ó Pharlaimint na hEorpa agus ón gComhairle an 25 Márta 2010	L 85	1	31.3.2010
► <u>M5</u>	Rialachán (AE) Uimh. 610/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 26 Meitheamh 2013	L 182	1	29.6.2013
► <u>M6</u>	Rialachán (AE) Uimh. 1051/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 22 Deireadh Fómhair 2013	L 295	1	6.11.2013

Arna leasú le:

► <u>A1</u>	Conradh Aontachais na Cróite (2012)	L 112	21	24.4.2012
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Arna cheartú le:

► <u>C1</u>	Ceartúchán, IO L 191, 17.7.2015, p. 8 (1051/2013)
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**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 EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and
in particular Articles 62(1) and (2)(a) thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure laid down in Article 251 of the
Treaty ⁽¹⁾,

Whereas:

- (1) The adoption of measures under Article 62(1) of the Treaty with a view to ensuring the absence of any controls on persons crossing internal borders forms part of the Union's objective of establishing an area without internal borders in which the free movement of persons is ensured, as set out in Article 14 of the Treaty.
- (2) In accordance with Article 61 of the Treaty, the creation of an area in which persons may move freely is to be flanked by other measures. The common policy on the crossing of external borders, as provided for by Article 62(2) of the Treaty, is such a measure.
- (3) The adoption of common measures on the crossing of internal borders by persons and border control at external borders should reflect the Schengen *acquis* incorporated in the European Union framework, and in particular the relevant provisions of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders ⁽²⁾ and the Common Manual ⁽³⁾.

⁽¹⁾ Opinion of the European Parliament of 23 June 2005 (not yet published in the Official Journal) and Council Decision of 21 February 2006.

⁽²⁾ OJ L 239, 22.9.2000, p. 19. Convention as last amended by Regulation (EC) No 1160/2005 of the European Parliament and of the Council (OJ L 191, 22.7.2005, p. 18).

⁽³⁾ OJ C 313, 16.12.2002, p. 97. Common Manual as last amended by Council Regulation (EC) No 2133/2004 (OJ L 369, 16.12.2004, p. 5).

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- (4) As regards border control at external borders, the establishment of a 'common corpus' of legislation, particularly via consolidation and development of the *acquis*, is one of the fundamental components of the common policy on the management of the external borders, as defined in the Commission Communication of 7 May 2002 'Towards integrated management of the external borders of the Member States of the European Union'. This objective was included in the 'Plan for the management of the external borders of the Member States of the European Union', approved by the Council on 13 June 2002 and endorsed by the Seville European Council on 21 and 22 June 2002 and by the Thessaloniki European Council on 19 and 20 June 2003.
- (5) The definition of common rules on the movement of persons across borders neither calls into question nor affects the rights of free movement enjoyed by Union citizens and members of their families and by third-country nationals and members of their families who, under agreements between the Community and its Member States, on the one hand, and those third countries, on the other hand, enjoy rights of free movement equivalent to those of Union citizens.
- (6) Border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished internal border control. Border control should help to combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, public policy, public health and international relations.
- (7) Border checks should be carried out in such a way as to fully respect human dignity. Border control should be carried out in a professional and respectful manner and be proportionate to the objectives pursued.
- (8) Border control comprises not only checks on persons at border crossing points and surveillance between these border crossing points, but also an analysis of the risks for internal security and analysis of the threats that may affect the security of external borders. It is therefore necessary to lay down the conditions, criteria and detailed rules governing checks at border crossing points and surveillance.
- (9) Provision should be made for relaxing checks at external borders in the event of exceptional and unforeseeable circumstances in order to avoid excessive waiting time at borders crossing-points. The systematic stamping of the documents of third-country nationals remains an obligation in the event of border checks being relaxed. Stamping makes it possible to establish, with certainty, the date on which, and where, the border was crossed, without establishing in all cases that all required travel document control measures have been carried out.

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- (10) In order to reduce the waiting times of persons enjoying the Community right of free movement, separate lanes, indicated by uniform signs in all Member States, should, where circumstances allow, be provided at border crossing points. Separate lanes should be provided in international airports. Where it is deemed appropriate and if local circumstances so allow, Member States should consider installing separate lanes at sea and land border crossing points.
- (11) Member States should ensure that control procedures at external borders do not constitute a major barrier to trade and social and cultural interchange. To that end, they should deploy appropriate numbers of staff and resources.
- (12) Member States should designate the national service or services responsible for border-control tasks in accordance with their national law. Where more than one service is responsible in the same Member State, there should be close and constant cooperation between them.
- (13) Operational cooperation and assistance between Member States in relation to border control should be managed and coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States established by Regulation (EC) No 2007/2004 ⁽¹⁾.
- (14) This Regulation is without prejudice to checks carried out under general police powers and security checks on persons identical to those carried out for domestic flights, to the possibilities for Member States to carry out exceptional checks on baggage in accordance with Council Regulation (EEC) No 3925/91 of 19 December 1991 concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing ⁽²⁾, and to national law on carrying travel or identity documents or to the requirement that persons notify the authorities of their presence on the territory of the Member State in question.
- (15) Member States should also have the possibility of temporarily reintroducing border control at internal borders in the event of a serious threat to their public policy or internal security. The conditions and procedures for doing so should be laid down, so as to ensure that any such measure is exceptional and that the principle of proportionality is respected. The scope and duration of any temporary reintroduction of border control at internal borders should be restricted to the bare minimum needed to respond to that threat.

⁽¹⁾ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1).

⁽²⁾ OJ L 374, 31.12.1991, p. 4. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

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- (16) In an area where persons may move freely, the reintroduction of border control at internal borders should remain an exception. Border control should not be carried out or formalities imposed solely because such a border is crossed.
- (17) Provision should be made for a procedure enabling the Commission to adapt certain detailed practical rules governing border control. In such cases, the measures needed to implement this Regulation should be taken pursuant to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (18) Provision should also be made for a procedure enabling the Member States to notify the Commission of changes to other detailed practical rules governing border control.
- (19) Since the objective of this Regulation, namely the establishment of rules applicable to the movement of persons across borders cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (20) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. It should be applied in accordance with the Member States' obligations as regards international protection and non-refoulement.
- (21) By way of derogation from Article 299 of the Treaty, the only territories of France and the Netherlands to which this Regulation applies are those in Europe. It does not affect the specific arrangements applied in Ceuta and Melilla, as defined in the Agreement on the Accession of the Kingdom of Spain to the Convention implementing the Schengen Agreement of 14 June 1985 ⁽²⁾.
- (22) In accordance with Articles 1 and 2 of the Protocol on the Position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark should, in accordance with Article 5 of the said Protocol, decide within a period of six months after the date of adoption of this Regulation whether it will implement it in its national law or not.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 239, 22.9.2000, p. 69.

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- (23) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾ which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC ⁽²⁾ on certain arrangements for the application of that Agreement.
- (24) An arrangement has to be made to allow representatives of Iceland and Norway to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchanges of Letters between the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning committees which assist the European Commission in the exercise of its executive powers ⁽³⁾, annexed to the above-mentioned Agreement.
- (25) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decisions 2004/849/EC ⁽⁴⁾ and 2004/860/EC ⁽⁵⁾.
- (26) An arrangement has to be made to allow representatives of Switzerland to be associated with the work of committees assisting the Commission in the exercise of its implementing powers. Such an arrangement has been contemplated in the Exchange of Letters between the Community and Switzerland, annexed to the above-mentioned Agreement.

⁽¹⁾ OJ L 176, 10.7.1999, p. 36.

⁽²⁾ OJ L 176, 10.7.1999, p. 31.

⁽³⁾ OJ L 176, 10.7.1999, p. 53.

⁽⁴⁾ Council Decision 2004/849/EC of 25 October 2004 on the signing, on behalf of the European Union, and on the provisional application of certain provisions of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 368, 15.12.2004, p. 26).

⁽⁵⁾ Council Decision 2004/860/EC of 25 October 2004 on the signing, on behalf of the European Community, and on the provisional application of certain provisions of the Agreement between the European Union, the European Community and the Swiss Confederation, concerning the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 370, 17.12.2004, p. 78).

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- (27) This Regulation constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (28) This Regulation constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽²⁾. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (29) In this Regulation, the first sentence of Article 1, Article 5(4)(a), Title III and the provisions of Title II and the annexes thereto referring to the Schengen Information System (SIS) constitute provisions building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession,

HAVE ADOPTED THIS REGULATION:

TITLE I**GENERAL PROVISIONS***Article 1***Subject matter and principles**

This Regulation provides for the absence of border control of persons crossing the internal borders between the Member States of the European Union.

It establishes rules governing border control of persons crossing the external borders of the Member States of the European Union.

*Article 2***Definitions**

For the purposes of this Regulation the following definitions shall apply:

1. 'internal borders' means:

- (a) the common land borders, including river and lake borders, of the Member States;

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 64, 7.3.2002, p. 20.

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(b) the airports of the Member States for internal flights;

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(c) calafoirt fharraige, abhann agus locha na mBallstát i gcás nasc inmheánach rialta bád farantóireachta;

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2. ‘external borders’ means the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders;
3. ‘internal flight’ means any flight exclusively to or from the territories of the Member States and not landing in the territory of a third country;

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4. ciallaíonn “nasc rialta inmheánach bád farantóireachta” aon nasc bád farantóireachta idir an dá chalafoirt chéanna nó níos mó atá suite ar chríoch na mBallstát, gan dul isteach in aon calafoirt nach bhfuil suite ar chríoch na mBallstát agus arb éard atá ann paisinéirí agus feithiclí a iompar de réir amchláir fhoilsithe;
5. ciallaíonn “daoine a bhfuil ceart chun saorghluaiseachta acu faoi dhlí an Aontais”:

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- (a) Union citizens within the meaning of ► M5 Article 20(1) ◀ of the Treaty, and third-country nationals who are members of the family of a Union citizen exercising his or her right to free movement to whom Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States ⁽¹⁾ applies;
- (b) third-country nationals and their family members, whatever their nationality, who, under agreements between the ► M5 Union ◀ and its Member States, on the one hand, and those third countries, on the other hand, enjoy rights of free movement equivalent to those of Union citizens;
6. ‘third-country national’ means any person who is not a Union citizen within the meaning of ► M5 Article 20(1) ◀ of the Treaty and who is not covered by point 5 of this Article;
7. ‘persons for whom an alert has been issued for the purposes of refusing entry’ means any third-country national for whom an alert has been issued in the Schengen Information System (SIS) in accordance with and for the purposes laid down in Article 96 of the Schengen Convention;
8. ‘border crossing point’ means any crossing-point authorised by the competent authorities for the crossing of external borders;

⁽¹⁾ OJ L 158, 30.4.2004, p. 77.

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8a. ciallaíonn “pointe trasnaithe roinnte” aon phointe trasnaithe lonnaithe ar chríoch Bhallstáit nó ar chríoch tríú tír, ag a ndéanfaidh gardaí teorann an Bhallstáit agus gardaí teorann an tríú tír i ndiaidh a chéile, seiceálacha ar imeacht agus seiceálacha ar dhul isteach i gcomhréir lena dhlí náisiúnta, agus de bhun comhaontaithe déthaobhaigh;

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9. ‘border control’ means the activity carried out at a border, in accordance with and for the purposes of this Regulation, in response exclusively to an intention to cross or the act of crossing that border, regardless of any other consideration, consisting of border checks and border surveillance;
10. ‘border checks’ means the checks carried out at border crossing points, to ensure that persons, including their means of transport and the objects in their possession, may be authorised to enter the territory of the Member States or authorised to leave it;
11. ‘border surveillance’ means the surveillance of borders between border crossing points and the surveillance of border crossing points outside the fixed opening hours, in order to prevent persons from circumventing border checks;
12. ‘second line check’ means a further check which may be carried out in a special location away from the location at which all persons are checked (first line);
13. ‘border guard’ means any public official assigned, in accordance with national law, to a border crossing point or along the border or the immediate vicinity of that border who carries out, in accordance with this Regulation and national law, border control tasks;
14. ‘carrier’ means any natural or legal person whose profession it is to provide transport of persons;

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15. ciallaíonn “cead cónaithe”
 - (a) gach cead cónaithe a eisíonn na Ballstáit de réir na formáide aonfhoirmí a leagtar síos le Rialachán (CE) Uimh. 1030/2002 ón gComhairle an 13 Meitheamh 2002 lena leagtar síos formáid aonfhoirmeach le haghaidh ceadanna cónaithe do náisiúnaigh tríú tíortha ⁽¹⁾ agus cártaí cónaithe arna n-eisiúint i gcomhréir le Treoir 2004/38/CE;
 - (b) na doiciméid eile ar fad a eisíonn Ballstát chuig náisiúnaigh tríú tíortha a n-údaraitear tréimhse fanachta ar a gcríoch leo, ar doiciméid iad a bhí faoi réir fógra agus foilsithe ina dhiaidh sin i gcomhréir le hAirteagal 34, cé is moite den méid seo a leanas:
 - (i) ceadanna sealadacha a eisítear ar feitheamh an chéad iarratas ar chead cónaithe amhail dá dtagraítear i bpointe (a) nó iarratas ar thearmann a scrúdú agus
 - (ii) víosaí a eisíonn na Ballstáit san fhormaid aonfhoirmeach a leagtar síos i Rialachán (CE) Uimh. 1683/95 ón gComhairle an 29 Bealtaine 1995 lena leagtar síos formáid aonfhoirmeach le haghaidh víosaí ⁽²⁾;

⁽¹⁾ IO L 157, 15.6.2002, lch. 1.

⁽²⁾ IO L 164, 14.7.1995, lch. 1.

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16. ‘cruise ship’ means a ship which follows a given itinerary in accordance with a predetermined programme, which includes a programme of tourist activities in the various ports, and which normally neither takes passengers on nor allows passengers to disembark during the voyage;
17. ‘pleasure boating’ means the use of pleasure boats for sporting or tourism purposes;
18. ‘coastal fisheries’ means fishing carried out with the aid of vessels which return every day or within 36 hours to a port situated in the territory of a Member State without calling at a port situated in a third country;

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- 18a. ciallaíonn “oibrí amach ón gcósta” duine atá ag obair ar láthair amach ón gcósta ach atá lonnaithe in uiscí teorann na mBallstát nó i limistéar dúshaothraithe eacnamaíche eisíche muirí i gcomhair úsáid na mBallstát faoi mar a shainmhínítear sa dlí muirí idirnáisiúnta, agus a fhilleann go rialta ar chríoch na mBallstát, bíodh taisteal ar muir nó ar tír i gceist leis;

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19. ‘threat to public health’ means any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation and other infectious diseases or contagious parasitic diseases if they are the subject of protection provisions applying to nationals of the Member States.

*Article 3***Scope**

This Regulation shall apply to any person crossing the internal or external borders of Member States, without prejudice to:

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- (a) cearta daoine a bhfuil ceart chun saorghluaiseachta acu faoi dhlí an Aontais;

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- (b) the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

▼ M5*Airteagal 3a***Ceartha Bunúsacha**

Agus an Rialachán seo á chur chun feidhme, déanfaidh na Ballstáit a gcuid cúraimí a chomhall agus dlí ábhartha an Aontais á chomhlíonadh go hiomlán acu, lena n-áirítear Cairt um Chearta Bunúsacha an Aontais Eorpaigh (“an Chairt um Chearta Bunúsacha”); an dlí idirnáisiúnta is ábhartha, lena n-áirítear an Coinbhinsiún maidir le Stádas Dídeanaithe arna dhéanamh sa Ghinéiv an 28 Iúil 1951 (“Coinbhinsiún na Ginéive”); oibleagáidí a bhaineann le rochtain ar chosaint idirnáisiúnta, go háirithe prionsabal an *non-refoulement*; agus cearta bunúsacha. I gcomhréir le prionsabail ghinearálta dhlí an Aontais, is ar bhonn indibhidiúil a dhéanfar cinntí faoin Rialachán seo.

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TITLE II
EXTERNAL BORDERS

CHAPTER I

Crossing of external borders and conditions for entry

Article 4

Crossing of external borders

1. External borders may be crossed only at border crossing points and during the fixed opening hours. The opening hours shall be clearly indicated at border crossing points which are not open 24 hours a day.

Member States shall notify the list of their border crossing points to the Commission in accordance with Article 34.

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2. De mhaolú ar mhír 1, féadfar eisceachtaí a cheadú ón oibleagáid teorainneacha seachtracha a thrasnú ag pointí trasnaithe teorann amháin agus ag na huaireanta oscailte seasta amháin:

- (a) i gcás daoine aonair nó grúpaí daoine, nuair atá gá speisialta le teorainneacha seachtracha a thrasnú lasmuigh de phointí trasnaithe teorann ó am go ham nó lasmuigh de na huaireanta oscailte seasta, chomh fada agus go bhfuil na ceadanna atá de cheangal orthu de réir dlí náisiúnta ina seilbh acu, agus nach bhfuil coimhlint ann le leasanna bheartas poiblí agus shlándáil inmheánach na mBallstát. Féadfaidh na Ballstáit socrúithe sonracha a dhéanamh i gcomhaontuithe déthaobhacha. Maidir le heisceachtaí ginearálta dá bhforáiltear leis an dlí náisiúnta agus le comhaontuithe déthaobhacha, tábharfar fógra ina leith don Choimisiún de bhun Airteagal 34;
- (b) le haghaidh daoine aonair nó grúpaí daoine i gcás staid éigeandála gan choinne;
- (c) i gcomhréir leis na rialacha sonracha a leagtar amach in Airteagal 18 agus in Airteagal 19 i gcomhcheangal le hIarscríbhinn VI agus le hIarscríbhinn VII.

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3. Without prejudice to the exceptions provided for in paragraph 2 or to their international protection obligations, Member States shall introduce penalties, in accordance with their national law, for the unauthorised crossing of external borders at places other than border crossing points or at times other than the fixed opening hours. These penalties shall be effective, proportionate and dissuasive.

▼B*Article 5***Entry conditions for third-country nationals****▼M5**

1. I gcás tréimhsí beartaithe fanachta ar chríoch na mBallstát ar tréimhsí iad nach faide ná 90 lá in aon tréimhse 180 lá, eadhon fad ar ina leith a fhéachtar ar an tréimhse 180 lá a thagann roimh gach lá fanachta, is iad seo a leanas na coinníollacha dul isteach le haghaidh náisiúnach tríú tíortha:

- (a) doiciméad taistil bailí a bheith ina seilbh acu lena gceadófar don sealbhóir an teorainn a thrasnú agus na critéir seo a leanas á sásamh aige:
 - (i) beidh sé bailí fós trí mhí ar a laghad tar éis an dáta beartaithe imeachta ó chríoch na mBallstát. Féadfar an oibleagáid sin a tharscaoileadh i gcás éigeandála a bhfuil bonn cirt leis;
 - (ii) is doiciméad é a eisíodh sna deich mbliana roimhe sin;

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- (b) tá víosa bailí ina seilbh acu, má cheanglaítear amhlaidh de bhun Rialachán (CE) Uimh. 539/2001 ón gComhairle an 15 Márta 2001 lena liostaítear na tríú tíortha a gcaithfidh a náisiúnaithe víosaí a bheith acu agus iad ag dul thar teorainneacha agus na tríú tíortha a bhfuil a náisiúnaithe díolmhaithe ón gceanglas sin ⁽¹⁾, ach amháin i gcás ina bhfuil cead cónaithe bailí nó víosa fadfhanachta bailí acu;

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- (c) they justify the purpose and conditions of the intended stay, and they have sufficient means of subsistence, both for the duration of the intended stay and for the return to their country of origin or transit to a third country into which they are certain to be admitted, or are in a position to acquire such means lawfully;
- (d) they are not persons for whom an alert has been issued in the SIS for the purposes of refusing entry;
- (e) they are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States, in particular where no alert has been issued in Member States' national data bases for the purposes of refusing entry on the same grounds.

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1a. Chun críocha mír 1 a chur chun feidhme, measfar gurb é an lá a rachfar isteach an chéad lá den fhanacht ar chríoch na mBallstát agus measfar gurb é an lá a fhágtar an lá deireanach den fhanacht ar chríoch na mBallstát. Ní áireofar tréimhsí fanachta atá údaraithe faoi chead cónaithe nó faoi víosa fadfhanachta le linn tréimhse fanachta ar chríoch na mBallstát a ríomh.

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2. A non-exhaustive list of supporting documents which the border guard may request from the third-country national in order to verify the fulfilment of the conditions set out in paragraph 1, point c, is included in Annex I.

⁽¹⁾ IO L 81, 21.3.2001, lch. 1.

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3. Means of subsistence shall be assessed in accordance with the duration and the purpose of the stay and by reference to average prices in the Member State(s) concerned for board and lodging in budget accommodation, multiplied by the number of days stayed.

Reference amounts set by the Member States shall be notified to the Commission in accordance with Article 34.

The assessment of sufficient means of subsistence may be based on the cash, travellers' cheques and credit cards in the third-country national's possession. Declarations of sponsorship, where such declarations are provided for by national law and letters of guarantee from hosts, as defined by national law, where the third-country national is staying with a host, may also constitute evidence of sufficient means of subsistence.

4. By way of derogation from paragraph 1:

▼M5

- (a) maidir le náisiúnaigh tríú tíortha nach gcomhlíonann na coinníollacha ar fad a leagtar síos i mír 1 ach a mbeidh cead cónaithe nó víosa fadfhanachta ina seilbh acu, údarófar dóibh dul isteach i gcóir na mBallstát eile chun críocha idirthurais ionas go bhféadfaidh siad críoch an Bhallstáit inar eisíodh an cead cónaithe nó an víosa fadfhanachta a bhaint amach, mura rud é go mbeidh a n-ainmneacha ar liosta náisiúnta foláireamh an Bhallstáit arb iad a teorainneacha seachtracha atá uathu a thrasnú agus go mbeidh treoracha ag gabháil leis an bhfoláireamh á rá nach mór dul isteach nó idirthuras a dhiúltú;
- (b) maidir le náisiúnaigh tríú tíortha a chomhlíonfaidh na coinníollacha a leagtar síos i mír 1, seachas na coinníollacha a leagtar síos i bpointe (b), agus a chuirfidh iad féin in iúl ag an teorainn, féadfar údarú dóibh dul isteach i gcóir na mBallstát, má eisítear víosa ag an teorainn i gcomhréir le hAirteagal 35 agus Airteagal 36 de Rialachán (CE) Uimh. 810/2009 ó Pharlaimint na hEorpa agus ón gComhairle an 13 Iúil 2009 lena mbunaítear Cód Comhphobail maidir le Viosaí (Cód Viosaí) ⁽¹⁾.

Cuirfidh na Ballstáit staidreamh le chéile maidir leis na viosaí a eisítear ag an teorainn i gcomhréir le hAirteagal 46 de Rialachán (CE) Uimh. 810/2009 agus le hIarscríbhinn XII a ghabhann leis.

▼B

If it is not possible to affix a visa in the document, it shall, exceptionally, be affixed on a separate sheet inserted in the document. In such a case, the uniform format for forms for affixing the visa, laid down by Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form ⁽²⁾, shall be used;

- (c) third-country nationals who do not fulfil one or more of the conditions laid down in paragraph 1 may be authorised by a Member State to enter its territory on humanitarian grounds, on grounds of national interest or because of international obligations. Where the third-country national concerned is the subject of an alert as referred to in paragraph 1(d), the Member State authorising him or her to enter its territory shall inform the other Member States accordingly.

⁽¹⁾ IO L 243, 15.9.2009, lch. 1.

⁽²⁾ OJ L 53, 23.2.2002, p. 4.

▼B*CHAPTER II**Control of external borders and refusal of entry**Article 6***Conduct of border checks****▼M5**

1. Le linn dóibh a gcúraimí a chomhlíonadh, déanfaidh gardaí teorann dínit an duine a urramú go hiomlán, go háirithe i gcásanna a bhaineann le daoine soghonta.

▼B

Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures.

2. While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

*Article 7***Border checks on persons**

1. Cross-border movement at external borders shall be subject to checks by border guards. Checks shall be carried out in accordance with this chapter.

The checks may also cover the means of transport and objects in the possession of the persons crossing the border. The law of the Member State concerned shall apply to any searches which are carried out.

2. All persons shall undergo a minimum check in order to establish their identities on the basis of the production or presentation of their travel documents. Such a minimum check shall consist of a rapid and straightforward verification, where appropriate by using technical devices and by consulting, in the relevant databases, information exclusively on stolen, misappropriated, lost and invalidated documents, of the validity of the document authorising the legitimate holder to cross the border and of the presence of signs of falsification or counterfeiting.

▼M5

Is í an tseiceáil fosta dá dtagraítear sa dara fomhír an riail le haghaidh daoine a bhfuil ceart chun saorghluaiseachta acu faoi dhlí an Aontais.

Le linn dóibh seiceálacha fosta a dhéanamh ar dhaoine a bhfuil ceart chun saorghluaiseachta acu faoi dhlí an Aontais, féadfaidh gardaí teorainn, áfach, ar bhonn nach bonn córasach, bunachair sonraí naisiúnta agus Eorpacha a cheadú chun a áirithiú nach ionann na daoine sin agus bagairt dáiríre, láithreach agus tromchúiseach go leor ar an tslándáil inmheánach, ar an mbeartas poiblí ná ar chaidreamh idirnáisiúnta na mBallstát, nó nach bagairt ar an tsláinte phoiblí iad.

Ní dhéanfaidh iarmhairtí ceadaithe den sórt sin an ceart chun dul isteach ar chríoch an Bhallstáit lena mbaineann, ar ceart é chun saorghluaiseachta atá ag daoine faoi dhlí an Aontais a leagtar síos i dTreoir 2004/38/CE, a chur i mbaol.

▼B

3. On entry and exit, third-country nationals shall be subject to thorough checks.

(a) thorough checks on entry shall comprise verification of the conditions governing entry laid down in Article 5(1) and, where applicable, of documents authorising residence and the pursuit of a professional activity. This shall include a detailed examination covering the following aspects:

(i) verification that the third-country national is in possession of a document which is valid for crossing the border and which has not expired, and that the document is accompanied, where applicable, by the requisite visa or residence permit;

(ii) thorough scrutiny of the travel document for signs of falsification or counterfeiting;

(iii) examination of the entry and exit stamps on the travel document of the third-country national concerned, in order to verify, by comparing the dates of entry and exit, that the person has not already exceeded the maximum duration of authorised stay in the territory of the Member States;

(iv) verification regarding the point of departure and the destination of the third-country national concerned and the purpose of the intended stay, checking if necessary, the corresponding supporting documents;

(v) verification that the third-country national concerned has sufficient means of subsistence for the duration and purpose of the intended stay, for his or her return to the country of origin or transit to a third country into which he or she is certain to be admitted, or that he or she is in a position to acquire such means lawfully;

(vi) verification that the third-country national concerned, his or her means of transport and the objects he or she is transporting are not likely to jeopardise the public policy, internal security, public health or international relations of any of the Member States. Such verification shall include direct consultation of the data and alerts on persons and, where necessary, objects included in the SIS and in national data files and the action to be performed, if any, as a result of an alert;

▼M2

(aa) má bhíonn víosa dá dtagraítear in Airteagal 5(1)(b) ina sheilbh ag náisiúnach de thríú tír, is éard a bheidh sna seiceálacha críochnúla ar iontráil go bhfíorófar céannacht shealbhóir an víosa agus barántúlacht an víosa, trí bhíthin an Chórais Faisnéise Víosaí (VIS) a cheadú i gcomhréir le hAirteagal 18 de Rialachán (CE) Uimh. 767/2008 ó Pharlaimint na hEorpa agus ón gComhairle an 9 Iúil 2008 maidir leis an gCóras Faisnéise Víosaí (VIS) agus maidir le sonraí ar víosaí gearrfhanachta a mhalartú idir Bhallstáit (Rialachán VIS) ⁽¹⁾;

⁽¹⁾ IO L 218, 13.8.2008, lch. 60.

▼M2

- (ab) de mhaolú air sin, más i gcás:
- (i) inarb ann don oiread sin tráchta agus go mbeidh an t-am feithimh ag an láthair trasnaithe teorann iomarcach;
 - (ii) ina mbeidh na hacmhainní go léir ídithe a mhéid a bhaineann le foireann, saoráidí agus eagar; agus
 - (iii) ar bhonn measúnuithe, nach ann d'aon bhaol a bhaineann le slándáil inmheánach agus le hinimirce mhídhleathach,

féadfar an VIS a cheadú ag baint úsáide as uimhir an ghreamáin víosa i ngach cás agus, ar bhonn randamach, uimhir an ghreamáin víosa i dteannta le fíorú méarlorg.

I ngach cás ina mbeidh amhras faoi chéannacht shealbhóir an víosa agus/nó faoi bharántúlacht an víosa, áfach, déanfar an VIS a cheadú go córasach ag baint úsáide as uimhir an ghreamáin víosa i dteannta le fíorú méarlorg.

Ní fhéadfar an maolú seo a chur i bhfeidhm ach amháin ag an láthair trasnaithe teorann lena mbaineann fad a chomhlíonfar na coinníollacha thuasluaite;

- (ac) is é an garda teorann a bheidh i gceannas ag an láthair trasnaithe teorann a dhéanfaidh an cinneadh an VIS a cheadú i gcomhréir le pointe (ab), nó is ar leibhéal níos airde a dhéanfar an cinneadh sin.

Tabharfaidh an Ballstát lena mbaineann fógra láithreach faoi aon chinneadh den sórt sin do na Ballstáit eile agus don Choimisiún;

- (ad) tarchuirfidh gach Ballstát tuarascáil ar fheidhmiú pointe (ab) uair sa bhliain chuig Parlaimint na hEorpa agus chuig an gCoimisiún, agus beidh líon na náisiúnach de thríú tíortha a seiceáladh sa VIS trí úsáid a bhaint as uimhir an ghreamáin víosa amháin mar aon le fad an ama feithimh dá dtagraítear i bpointe (ab)(i) sa tuarascáil sin;

- (ae) beidh feidhm ag pointe (ab) agus ag pointe (ac) ar feadh uastréimhse trí bliana, dar tosach trí bliana tar éis don VIS tosú i mbun oibríochta. Tarchuirfidh an Coimisiún, roimh dheireadh an dara bliain a gcuirfear pointe (ab) agus pointe (ac) i bhfeidhm, meastóireacht ar chur chun feidhme na bpointí sin chuig Parlaimint na hEorpa agus chuig an gComhairle. Ar bhonn na meastóireachta sin, féadfaidh Parlaimint na hEorpa nó an Chomhairle iarraidh ar an gCoimisiún leasuithe cúí ar an Rialachán seo a mholadh.

▼B

- (b) thorough checks on exit shall comprise:
- (i) verification that the third-country national is in possession of a document valid for crossing the border;
 - (ii) verification of the travel document for signs of falsification or counterfeiting;
 - (iii) whenever possible, verification that the third-country national is not considered to be a threat to public policy, internal security or the international relations of any of the Member States;

▼ B

- (c) In addition to the checks referred to in point (b) thorough checks on exit may also comprise:
- (i) verification that the person is in possession of a valid visa, if required pursuant to Regulation (EC) No 539/2001, except where he or she holds a valid residence permit; ► **M2** féadfaidh sé go gceadófar an VIS san fhíorú sin i gcomhréir le hAirteagal 18 de Rialachán (CE) Uimh. 767/2008; ◀
 - (ii) verification that the person did not exceed the maximum duration of authorised stay in the territory of the Member States;
 - (iii) consultation of alerts on persons and objects included in the SIS and reports in national data files ;

▼ M2

- (d) chun duine ar bith a shainnithint nach gcomhlíonann, nó nach gcomhlíonann a thuilleadh na coinníollacha le haghaidh iontrála, fanachta nó cónaithe i gcóir na mBallstát, féadfar an VIS a cheadú i gcomhréir le hAirteagal 20 de Rialachán (CE) Uimh. 767/2008.

▼ B

4. Where facilities exist and if requested by the third-country national, such thorough checks shall be carried out in a private area.
5. ► **M5** Gan dochar don dara fomhír, tabharfar faisnéis i scríbhinn do náisiúnaigh tríú tír atá faoi réir seiceála cuimsithí ar an dara líne ar faisnéis í maidir le cuspóir agus nós imeachta na seiceála sin, agus tabharfar an fhaisnéis sin dóibh i dteanga a thuigeann siad nó arb fhéidir glacadh leis ar bhonn réasúnta go bhfuil siad in ann an teanga sin a thuiscint, nó tabharfar an fhaisnéis sin dóibh ar bhealach éifeachtach eile. ◀ This information shall be available in all the official languages of the Union and in the language(s) of the country or countries bordering the Member State concerned and shall indicate that the third-country national may request the name or service identification number of the border guards carrying out the thorough second line check, the name of the border crossing point and the date on which the border was crossed.

▼ M5

6. Is i gcomhréir le Treoir 2004/38/CE a dhéanfar seiceálacha ar dhuine a bhfuil ceart chun saorghluaiseachta aige faoi dhlí an Aontais.

▼ B

7. Detailed rules governing the information to be registered are laid down in Annex II.

▼ M5

8. I gcás ina mbeidh feidhm ag pointe (a) nó pointe (b) d'Airteagal 4(2), féadfaidh na Ballstáit maoluithe a thabhairt ar na rialacha atá leagtha amach san Airteagal seo freisin.

▼ B*Article 8***Relaxation of border checks**

1. Border checks at external borders may be relaxed as a result of exceptional and unforeseen circumstances. Such exceptional and unforeseen circumstances shall be deemed to be those where unforeseeable events lead to traffic of such intensity that the waiting time at the border crossing point becomes excessive, and all resources have been exhausted as regards staff, facilities and organisation.

▼B

2. Where border checks are relaxed in accordance with paragraph 1, border checks on entry movements shall in principle take priority over border checks on exit movements.

The decision to relax checks shall be taken by the border guard in command at the border crossing point.

Such relaxation of checks shall be temporary, adapted to the circumstances justifying it and introduced gradually.

3. Even in the event that checks are relaxed, the border guard shall stamp the travel documents of third-country nationals both on entry and exit, in accordance with Article 10.

4. Each Member State shall transmit once a year a report on the application of this Article to the European Parliament and the Commission.

*Article 9***Separate lanes and information on signs**

1. Member States shall provide separate lanes, in particular at air border crossing points in order to carry out checks on persons, in accordance with Article 7. Such lanes shall be differentiated by means of the signs bearing the indications set out in the Annex III.

Member States may provide separate lanes at their sea and land border crossing points and at borders between Member States not applying Article 20 at their common borders. The signs bearing the indications set out in the Annex III shall be used if Member States provide separate lanes at those borders.

Member States shall ensure that such lanes are clearly signposted, including where the rules relating to the use of the different lanes are waived as provided for in paragraph 4, in order to ensure optimal flow levels of persons crossing the border.

▼M5

2. (a) Maidir le daoine a mbeidh ceart chun saorghluaiseachta acu faoi dhlí an Aontais, beidh siad i dteideal na lánáí a úsáid a bheidh léirithe leis an gcomhartha atá i gCuid A d'Iarscríbhinn III (“AE, LEE, CH”). Féadfaidh siad freisin na lánáí a úsáid a bheidh léirithe leis an gcomhartha atá i gCuid B1 (“níl víosa riachtanach”) agus i gcuid B2 (“gach cineál pas”) d'Iarscríbhinn III.

Maidir le náisiúnaigh tríú tír nach bhfuil faoi réir na hoibleagáide víosa a bheith ina seilbh acu agus teorainneacha seachtracha na mBallstát á dtrasnú acu i gcomhréir le Rialachán (CE) Uimh. 539/2001 agus náisiúnaigh tríú tíortha a mbeidh cead cónaithe bailí nó víosa fadfhanachta ina seilbh acu, féadfaidh siad na lánáí a úsáid a bheidh léirithe leis an gcomhartha atá i gCuid B1 d'Iarscríbhinn III (“níl víosa riachtanach”) a ghabhann leis an Rialachán seo. Féadfaidh siad freisin feidhm a bhaint as na lánáí a bheidh léirithe leis an gcomhartha (“gach cineál pas”) atá i gcuid B2 d'Iarscríbhinn III a ghabhann leis an Rialachán seo.

(b) Úsáidfidh gach duine eile na lánáí a bheidh léirithe leis an gcomhartha (“gach cineál pas”) atá i gcuid B2 d'Iarscríbhinn III.

▼ M5

Féadfar an fhaisnéis atá ar na comharthaí dá dtagraítear i bpointe (a) agus pointe (b) a léiriú i gcibé teanga nó teangacha a mheasfaidh gach Ballstát a bheith oiriúnach.

Níl sé éigeantach lánaí ar leith a sholáthar a bheidh léirithe leis an gcomhartha atá i gcuid B1 d'Iarscríbhinn III (“níl víosa riachtanach”). Cinnfidh na Ballstáit an ndéanfaidh siad na lánaí sin a sholáthar agus cinnfidh siad na pointí trasnaithe teorann i gcomhréir le riachtanais phraiticiúla.

▼ B

3. At sea and land border crossing points, Member States may separate vehicle traffic into different lanes for light and heavy vehicles and buses by using signs as shown in Part C of Annex III.

Member States may vary the indications on those signs where appropriate in the light of local circumstances.

4. In the event of a temporary imbalance in traffic flows at a particular border crossing point, the rules relating to the use of the different lanes may be waived by the competent authorities for the time necessary to eliminate such imbalance.

▼ M5**▼ B***Article 10***▼ M5****Doiciméid taistil a stampáil****▼ B**

1. The travel documents of third-country nationals shall be systematically stamped on entry and exit. In particular an entry or exit stamp shall be affixed to:

- (a) the documents, bearing a valid visa, enabling third-country nationals to cross the border;
- (b) the documents enabling third-country nationals to whom a visa is issued at the border by a Member State to cross the border;
- (c) the documents enabling third-country nationals not subject to a visa requirement to cross the border.

▼ M5

2. Maidir le doiciméid taistil náisiúnach tríú tíortha ar baill iad de theaghlach saoránaigh de chuid an Aontais a mbeidh feidhm ag Treoir 2004/38/CE maidir leis, ach nach dtíolacfaidh an cárta cónaithe dá bhforáiltear sa Treoir sin, déanfar na doiciméid sin a stampáil ar dhul isteach agus ar imeacht na náisiúnach sin.

Maidir le doiciméid taistil náisiúnach tríú tíortha ar baill iad de theaghlach de chuid náisiúnaigh tríú tír a mbeidh ceart chun saorghluaiseachta aige faoi dhlí an Aontais ach ar náisiúnaigh iad nach dtíolacfaidh an cárta cónaithe dá bhforáiltear i dTreoir 2004/38/CE, déanfar na doiciméid sin a stampáil ar dhul isteach agus ar imeacht na náisiúnach sin.

▼B

3. No entry or exit stamp shall be affixed:
- (a) to the travel documents of Heads of State and dignitaries whose arrival has been officially announced in advance through diplomatic channels;
 - (b) to pilots' licences or the certificates of aircraft crew members;
 - (c) to the travel documents of seamen who are present within the territory of a Member State only when their ship puts in and in the area of the port of call;
 - (d) to the travel documents of crew and passengers of cruise ships who are not subject to border checks in accordance with point 3.2.3 of Annex VI;
 - (e) to documents enabling nationals of Andorra, Monaco and San Marino to cross the border;

▼M5

- (f) do dhoiciméid taistil chriúna traenacha paisinéirí agus earraí agus iad ar naisc idirnáisiúnta;
- (g) do dhoiciméid taistil náisiúnach tríú tíortha a thíolacann cárta cónaithe dá bhforáiltear i dTreoir 2004/38/CE.

Ar bhonn eisceachtúil agus ar iarraidh ó náisiúnach tríú tír, féadfar gan stampa um víosa dul isteach nó imeachta a chur má tá baol ann go gcruthóidh an stampa sin fadhbanna tromchúiseacha don duine sin. Sa chás sin, déanfar víosa dul isteach nó imeachta a thaifeadh ar leathanach ar leith ar a sonrúfar ainm agus uimhir phas an duine sin. Tabharfar an leathanach sin don náisiúnach ón tríú tír sin. Féadfaidh údaráis inniúla na mBallstát staidreamh a choimeád maidir le cásanna eisceachtúla den chineál sin agus féadfaidh siad an staidreamh sin a sholáthar don Choimisiún.

▼B

4. The practical arrangements for stamping are set out in Annex IV.
5. Whenever possible, third-country nationals shall be informed of the border guard's obligation to stamp their travel document on entry and exit, even where checks are relaxed in accordance with Article 8.
6. The Commission shall report to the European Parliament and the Council by the end of 2008 on the operation of the provisions on stamping travel documents.

*Article 11***Presumption as regards fulfilment of conditions of duration of stay**

1. If the travel document of a third-country national does not bear an entry stamp, the competent national authorities may presume that the holder does not fulfil, or no longer fulfils, the conditions of duration of stay applicable within the Member State concerned.
2. The presumption referred to in paragraph 1 may be rebutted where the third-country national provides, by any means, credible evidence, such as transport tickets or proof of his or her presence outside the territory of the Member States, that he or she has respected the conditions relating to the duration of a short stay.

▼ B

In such a case:

- (a) where the third-country national is found on the territory of a Member State applying the Schengen *acquis* in full, the competent authorities shall indicate, in accordance with national law and practice, in his or her travel document the date on which, and the place where, he or she crossed the external border of one of the Member States applying the Schengen *acquis* in full;
- (b) where the third-country national is found on the territory of a Member State in respect of which the decision contemplated in Article 3(2) of the 2003 Act of Accession has not been taken, the competent authorities shall indicate, in accordance with national law and practice, in his or her travel document the date on which, and the place where, he or she crossed the external border of such a Member State.

In addition to the indications referred to in points (a) and (b), a form as shown in Annex VIII may be given to the third-country national.

Member States shall inform each other and the Commission and the Council General Secretariat of their national practices with regard to the indications referred to in this Article.

▼ M5

3. I gcás nach mbréagnófar an toimhde dá dtagraítear i mír 1, féadfar an náisiúnach tríú tír a chur ar ais i gcomhréir le Treoir 2008/115/CE ó Pharlaimint na hEorpa agus ón gComhairle an 16 Nollaig 2008 maidir le caighdeáin choiteanna agus nósanna imeachta coiteanna sna Ballstáit i ndáil le náisiúnaigh tríú tíortha atá ag fanacht go mídhleathach a chur ar ais ⁽¹⁾ agus i gcomhréir leis an dlí náisiúnta lena n-urramaítear an Treoir sin.

4. Beidh feidhm ag forálacha ábhartha mhír 1 agus mhír 2 *mutatis mutandis* in éagmais stampa imeachta.

▼ B*Article 12***Border surveillance****▼ M5**

1. Is é an príomhchuspóir atá leis an bhfaireachas ar na teorainneacha trasnú neamhúdaráithe a chosc, an choireacht thrasteorann a chomhrac agus bearta a ghlacadh i gcoinne daoine atá tar éis an teorainn a thrasnú go neamhdhleathach. Duine a thrasnaigh teorainn go mídhleathach agus nach bhfuil cead aige fanacht ar chríoch an Bhallstáit atá i gceist, déanfar an duine sin a ghabháil agus a chur faoi réir na nósanna imeachta lena n-urramaítear Treoir 2008/115/CE.

▼ B

2. The border guards shall use stationary or mobile units to carry out border surveillance.

That surveillance shall be carried out in such a way as to prevent and discourage persons from circumventing the checks at border crossing points.

3. Surveillance between border crossing points shall be carried out by border guards whose numbers and methods shall be adapted to existing or foreseen risks and threats. It shall involve frequent and sudden changes to surveillance periods, so that unauthorised border crossings are always at risk of being detected.

⁽¹⁾ IO L 348, 24.12.2008, lch. 98.

▼B

4. Surveillance shall be carried out by stationary or 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 border illegally. Surveillance may also be carried out by technical means, including electronic means.

▼M5

5. Cumhachtófar don Choimisiún gníomhartha tarmhligthe a ghlacadh i gcomhréir le hAirteagal 33 maidir le bearta breise i ndáil le faireachas a rialú.

▼B*Article 13***Refusal of entry**

1. A third-country national who does not fulfil all the entry conditions laid down in Article 5(1) and does not belong to the categories of persons referred to in Article 5(4) shall be refused entry to the territories of the Member States. This shall be without prejudice to the application of special provisions concerning the right of asylum and to international protection or the issue of long-stay visas.

2. Entry may only be refused by a substantiated decision stating the precise reasons for the refusal. The decision shall be taken by an authority empowered by national law. It shall take effect immediately.

The substantiated decision stating the precise reasons for the refusal shall be given by means of a standard form, as set out in Annex V, Part B, filled in by the authority empowered by national law to refuse entry. The completed standard form shall be handed to the third-country national concerned, who shall acknowledge receipt of the decision to refuse entry by means of that form.

3. Persons refused entry shall have the right to appeal. Appeals shall be conducted in accordance with national law. A written indication of contact points able to provide information on representatives competent to act on behalf of the third-country national in accordance with national law shall also be given to the third-country national.

Lodging such an appeal shall not have suspensive effect on a decision to refuse entry.

Without prejudice to any compensation granted in accordance with national law, the third-country national concerned shall, where the appeal concludes that the decision to refuse entry was ill-founded, be entitled to correction of the cancelled entry stamp, and any other cancellations or additions which have been made, by the Member State which refused entry.

4. The border guards shall ensure that a third-country national refused entry does not enter the territory of the Member State concerned.

▼M5

5. Baileoidh na Ballstáit staidreamh ar líon na ndaoine a ndiúltaítear dul isteach dóibh, ar an mbonn leis an diúltú sin, ar náisiúntacht na ndaoine a diúltaíodh dul isteach dóibh agus ar an gcineál teorann (teorainn ar thalamh, san aer, cois farraige) ag ar diúltaíodh dul isteach dóibh agus cuirfidh siad an staidreamh sin faoi bhráid an Choimisiúin (Eurostat) ar bhonn bliantúil i gcomhréir le Rialachán (CE) Uimh. 862/2007 ó Pharlaimint na hEorpa agus ón gComhairle an 11 Iúil 2007 maidir le staidreamh Comhphobail i ndáil le himirce agus le cosaint idirnáisiúnta ⁽¹⁾.

▼B

6. Detailed rules governing refusal of entry are given in Part A of Annex V.

*CHAPTER III****Staff and resources for border control and cooperation between Member States****Article 14***Staff and resources for border control**

Member States shall deploy appropriate staff and resources in sufficient numbers to carry out border control at the external borders, in accordance with Articles 6 to 13, in such a way as to ensure an efficient, high and uniform level of control at their external borders.

*Article 15***Implementation of controls**

1. The border control provided for by Articles 6 to 13 shall be carried out by border guards in accordance with the provisions of this Regulation and with national law.

When carrying out that border control, the powers to instigate criminal proceedings conferred on border guards by national law and falling outside the scope of this Regulation shall remain unaffected.

▼M5

Áiritheoidh na Ballstáit gur gairmithe speisialaithe a mbeidh oiliúint chúí orthu na gardaí teorann, agus cuirfear san áireamh lárchuraclaim choiteanna le haghaidh gardaí teorann, ar lár churaclaim iad a dhéanfaidh an Ghníomhaireacht Eorpach chun Comhar Oibríochtúil a Bhainistiú ag Teorainneacha Seachtracha na mBallstát a bunaíodh le Rialachán (CE) Uimh. 2007/2004 ón gComhairle a bhunú agus a fhorbairt. Áireofar sna curaclaim oiliúna oiliúint speisialaithe chun cásanna leochaileacha a bhrath agus chun déileáil leo, ar cásanna iad a bhaineann le daoine soghonta amhail mionaoisigh neamhthionlactha agus íospartaigh gáinneála. Le tacaíocht ón nGníomhaireacht, spreagfaidh na Ballstáit gardaí teorann chun na teangacha a fhoghlaim arb iad na teangacha a bheidh riachtanach chun a gcúraimí a chur i gcrích.

▼B

2. Member States shall notify to the Commission the list of national services responsible for border control under their national law in accordance with Article 34.

⁽¹⁾ IO L 199, 31.7.2007, lch. 23.

▼B

3. To control borders effectively, each Member State shall ensure close and constant cooperation between its national services responsible for border control.

*Article 16***Cooperation between Member States**

1. The Member States shall assist each other and shall maintain close and constant cooperation with a view to the effective implementation of border control, in accordance with Articles 6 to 15. They shall exchange all relevant information.

2. Operational cooperation between Member States in the field of management of external borders shall be coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States (hereinafter referred to as the Agency) established by Regulation (EC) No 2007/2004.

3. Without prejudice to the competences of the Agency, Member States may continue operational cooperation with other Member States and/or third countries at external borders, including the exchange of liaison officers, where such cooperation complements the action of the Agency.

Member States shall refrain from any activity which could jeopardise the functioning of the Agency or the attainment of its objectives.

Member States shall report to the Agency on the operational cooperation referred to in the first subparagraph.

4. Member States shall provide for training on the rules for border control and on fundamental rights. In that regard, account shall be taken of the common training standards as established and further developed by the Agency.

*Article 17***Joint control**

1. Member States which do not apply Article 20 to their common land borders may, up to the date of application of that Article, jointly control those common borders, in which case a person may be stopped only once for the purpose of carrying out entry and exit checks, without prejudice to the individual responsibility of Member States arising from Articles 6 to 13.

To that end, Member States may conclude bilateral arrangements between themselves.

2. Member States shall inform the Commission of any arrangements concluded in accordance with paragraph 1.

▼B*CHAPTER IV**Specific rules for border checks**Article 18***Specific rules for the various types of border and the various means of transport used for crossing the external borders**

The specific rules set out in Annex VI shall apply to the checks carried out at the various types of border and on the various means of transport used for crossing border crossing points.

▼M5

Féadfaidh maoluithe ó Airteagal 4 agus Airteagal 5 agus ó Airteagal 7 go Airteagal 13 a bheith san áireamh sna rialacha sonracha sin.

▼B*Article 19***Specific rules for checks on certain categories of persons**

1. The specific rules set out in Annex VII shall apply to checks on the following categories of persons:

- (a) Heads of State and the members of their delegation(s);
- (b) pilots of aircraft and other crew members;
- (c) seamen;
- (d) holders of diplomatic, official or service passports and members of international organisations;
- (e) cross-border workers;
- (f) minors;

▼M5

(g) seirbhísí tarrthála, póilíní agus briogáidí dóiteáin agus gardaí teorann;

(h) oibríthe amach ón gcósta.

Féadfaidh maoluithe ó Airteagal 4 agus Airteagal 5 agus ó Airteagal 7 go hAirteagal 13 a bheith san áireamh sna rialacha sonracha sin.

▼B

2. Member States shall notify to the Commission the model cards issued by their Ministries of Foreign Affairs to accredited members of diplomatic missions and consular representations and members of their families in accordance with Article 34.

▼A1*Airteagal 19a*

De mhaolú ar fhorálacha an Rialachán seo maidir le pointí trasnaithe teorann a bhunú, agus go dtí teacht i bhfeidhm cinnidh ó Chomhairle an Aontais Eorpaigh maidir le forálacha *acquis* Schengen a chur i bhfeidhm go hiomlán sa Chróit de bhun Airteagal 4(2) den Ionstraim Aontachais nó go dtí go leasófar an Rialachán seo chun go n-áireofar forálacha ann lena rialófar rialú teorann ag comhphointí trasnaithe teorann, cibé acu is túisce, féadfaidh an Chróit na comhphointí trasnaithe teorann ag a teorainn leis an mBoisnia agus an Heirseagaivéin a choimeád. Ag na comhphointí trasnaithe teorann seo, déanfaidh gardaí

▼ A1

teorann de chuid páirtí amháin seiceálacha teacht isteach agus imeachta i gcríoch an pháirtí eile. Déanfar gach seiceáil teacht isteach agus imeachta ag gardaí teorann de chuid na Cróite i gcomhlíonadh *acquis* an Aontais, lena n-áirítear oibleagáidí na mBallstát maidir le cosaint idirnáisiúnta agus neamh-*refoulement*. Chun na críche sin leasófar, más gá, na comhaontuithe déthaobhacha ábhartha lena mbunaítear na comhphointí trasnaithe teorann atá i gceist.

▼ M6▼ CI*CAIBIDIL IVa****Bearta sonracha maidir le heasnaimh thromchúiseacha a bhaineann le rialú ag teorainn sheachtrach****Airteagal 19b***Bearta ag na teorainneacha seachtracha agus tacaíocht ón nGníomhaireacht**▼ M6

1. I gcás ina n-aithneofar easnaimh thromchúiseacha chun rialú ar theorainneacha seachtracha a chur i gcrích i dtuarascáil mheastóireachta arna tarraingt suas i gcomhréir le hAirteagal 14 de Rialachán (AE) Uimh. 1053/2013 ón gComhairle an 7 Deireadh Fómhair 2013 lena mbunaítear sásra meastóireachta agus faireacháin chun cur i bhfeidhm *acquis* Schengen a fhíorú ⁽¹⁾, agus d'fhonn go gcomhlíonfar na moltaí dá dtagraítear in Airteagal 15 den Rialachán sin, féadfaidh an Coimisiún a mholadh, trí bhithin gnímh cur chun feidhme, ► CI go ndéanfaidh Ballstát a ndearnadh meastóireacht air, bearta sonracha áirithe a ghlacadh, lena n-áirítear ceann amháin nó an dá cheann de na bearta seo a leanas: ◀

(a) tús a chur le himlonnú Foirne Eorpacha Gardaí Teorann i gcomhréir le forálacha Rialachán (CE) Uimh. 2007/2004;

▼ CI

(b) a phleananna straitéiseacha bunaithe ar mheasúnú riosca, lena n-áirítear faisnéis maidir le himlonnú pearsanra agus feistis, a chur faoi bhráid na Gníomhaireachta ar mhaithe lena tuairim a fháil.

▼ M6

Déanfar an gníomh cur chun feidhme sin a ghlacadh i gcomhréir leis an nós imeachta scrúdúcháin dá tagraítear in Airteagal 33a(2).

2. Cuirfidh an Coimisiún an coiste a bhunaítear de bhun Airteagal 33a(1) ar an eolas go rialta maidir leis an dul chun cinn i ndáil le cur chun feidhme na mbearta dá dtagraítear i mír 1 den Airteagal seo agus maidir lena thionchar ar na heasnaimh a sonraíodh.

Cuirfidh sé Parlaimint na hEorpa agus an Chomhairle ar an eolas chomh maith.

3. I gcás ina bhfuil cinneadh déanta sa tuarascáil mheastóireachta dá dtagraítear i mír 1 go bhfuil faillí thromchúiseach déanta ag an mBallstát a ndearnadh meastóireacht air maidir lena oibleagáidí agus nach mór dó dá bhrí sin tuairisciú maidir leis an bplean gníomhaíochta ábhartha a chur chun feidhme taobh istigh de thrí mhí i gcomhréir le hAirteagal 16(4) de Rialachán (AE) Uimh. 1053/2013, agus nuair a fhaigheann an Coimisiún amach, tar éis na tréimhse trí mhí sin, gurb é sin an cas go fóill, féadfaidh sé cur i bhfeidhm an nós imeachta dá bhforáiltear in Airteagal 26 den Rialachán seo a chur ar bun, i gcás ina gcomhlíontar na coinníollacha ar fad chun sin a dhéanamh.

(¹) IO L 295, 6.11.2013, lch. 27.

▼B

TITLE III
INTERNAL BORDERS

CHAPTER I

Abolition of border control at internal borders

Article 20

Crossing internal borders

Internal borders may be crossed at any point without a border check on persons, irrespective of their nationality, being carried out.

Article 21

Checks within the territory

The abolition of border control at internal borders shall not affect:

- (a) the exercise of police powers by the competent authorities of the Member States under national law, insofar as the exercise of those powers does not have an effect equivalent to border checks; that shall also apply in border areas. Within the meaning of the first sentence, the exercise of police powers may not, in particular, be considered equivalent to the exercise of border checks when the police measures:
 - (i) do not have border control as an objective,
 - (ii) are based on general police information and experience regarding possible threats to public security and aim, in particular, to combat cross-border crime,
 - (iii) are devised and executed in a manner clearly distinct from systematic checks on persons at the external borders,
 - (iv) are carried out on the basis of spot-checks;
- (b) security checks on persons carried out at ports and airports by the competent authorities under the law of each Member State, by port or airport officials or carriers, provided that such checks are also carried out on persons travelling within a Member State;
- (c) the possibility for a Member State to provide by law for an obligation to hold or carry papers and documents;

▼M5

- (d) an deis a d'fhéadfadh a bheith ag Ballstát foráil a dhéanamh le dlí lena gcuirfeadh oibleagáid ar náisiúnaigh tríú tíortha a láithreach ar a chríoch a thuairisciú de bhun fhorálacha Airteagal 22 de *Choinbhinsiún Schengen a chur chun feidhme*.

▼B

Article 22

Removal of obstacles to traffic at road crossing-points at internal borders

Member States shall remove all obstacles to fluid traffic flow at road crossing-points at internal borders, in particular any speed limits not exclusively based on road-safety considerations.

▼B

At the same time, Member States shall be prepared to provide for facilities for checks in the event that internal border controls are reintroduced.

*CHAPTER II**Temporary reintroduction of border control at internal borders***▼M6***Airteagal 23***Creat ginearálta le haghaidh rialú teorann ag teorainneacha inmheánacha a athbhunú ar bhonn sealadach**

1. ►**C1** I gcás ina bhfuil baol tromchúiseach ann do bheartas poiblí nó do shlándáil inmheánach sa limistéar gan rialú teorann ag teorainneacha inmheánacha i mBallstát, féadfaidh an Ballstát sin rialú teorann a athbhunú ar bhonn eisceachtúil ag a theorainneacha inmheánacha uile nó ag codanna sonracha dá theorainneacha inmheánacha ar feadh tréimhse teoranta 30 lá ar a mhéid nó ar feadh ré intuartha an bhaoil thromchúisigh má mhaireann sé níos faide ná 30 lá. ◀ Ní rachaidh raon feidhme ré athbhunú sealadach an rialaithe teorann ag teorainneacha inmheánacha thar a bhfuil riachtanach chun freagairt a thabhairt ar an mbaol tromchúiseach.

2. Ní athbhunófar rialú teorann ag teorainneacha inmheánacha ach mar rogha dheiridh, agus i gcomhréir le hAirteagal 24, Airteagal 25 agus Airteagal 26. Cuirfear na critéir dá dtagraítear faoi seach in Airteagal 23a agus in Airteagal 26a san áireamh i ngach cás ina bhfuil sé beartaithe rialú teorann ag teorainneacha inmheánacha a athbhunú de bhun Airteagal 24, Airteagal 25 nó Airteagal 26 faoi seach.

3. Más ann fós, tar éis na tréimhse dá bhforáiltear i mír 1 den Airteagal seo, don bhaol tromchúiseach do bheartas poiblí nó do shlándáil inmheánach sa Bhallstát lena mbaineann, féadfaidh an Ballstát sin rialú teorann ag a theorainneacha inmheánacha a shíneadh, agus na critéir dá dtagraítear in Airteagal 23a á gcur san áireamh agus i gcomhréir le hAirteagal 24, ar bhonn na bhforas céanna dá dtagraítear i mír 1 den Airteagal seo agus, ag cur aon ghné nua san áireamh, ar feadh tréimhsí in-athnuaithe 30 lá ar a mhéid.

4. Ní rachaidh an tréimhse iomlán ina n-athbhunófar rialú teorann ag teorainneacha inmheánacha lena n-áirítear aon sintí dá bhforáiltear i mír 3 den Airteagal seo thar sé mhí. I gcúinsí eisceachtúla amhail dá dtagraítear in Airteagal 26, féadfar an tréimhse iomlán seo a fhadú d'uasfhad dhá bhliain, i gcomhréir le mír 1 den Airteagal sin.

*Airteagal 23a***Critéir maidir le rialú teorann ag teorainneacha inmheánacha a athbhunú ar bhonn sealadach**

►**C1** I gcás ina gcinneann Ballstát, mar rogha dheiridh, rialú teorann a athbhunú go sealadach ag teorainn inmheánach amháin nó níos mó dá chuid nó ag codanna dá theorainneacha inmheánacha, nó má chinneann sé athbhunú den sórt sin a shíneadh, i gcomhréir le hAirteagal 23 nó le hAirteagal 25(1), déanfaidh sé measúnú ar a mhéad is dóigh a réiteoidh an beart sin an baol do bheartas poiblí nó do shlándáil inmheánach ar bhealach leordhóthanach, agus déanfaidh sé measúnú ar chomhréireacht an bhirt i ndáil leis an mbaol sin. ◀ Agus measúnú den sórt sin á dhéanamh, cuirfidh an Ballstát an méid seo a leanas go háirithe san áireamh:

▼ M6

- (a) an tionchar is dóigh a bheidh ag aon bhaol do bheartas poiblí nó do shlándáil inmheánach, lena n-áirítear i ndiaidh gníomhartha sceimhlitheoireachta nó i ndiaidh bagairtí sceimhlitheoireachta agus lena n-áirítear gníomhartha nó bagairtí a thagann ón gcoireacht eagraithe;
- (b) an tionchar is dóigh a bheidh ag an mbeart sin ar shaorghluaiseacht daoine laistigh den limistéar gan rialú ag teorainneacha inmheánacha.

*Airteagal 24***Nós imeachta maidir le rialú teorann ag teorainneacha inmheánacha a athbhunú ar bhonn sealadach faoi Airteagal 23(1)**

1. I gcás ina bhfuil sé beartaithe ag Ballstát rialú teorann ag teorainneacha inmheánacha a athbhunú faoi Airteagal 23(1), cuirfidh sé sin in iúl do na Ballstáit eile agus don Choimisiúin laistigh de cheithre seachtaine ar a dhéanaí roimh an dáta atá beartaithe don athbhunú, nó laistigh de thréimhse níos giorra i gcás ina bhfuil na cúinsí is cúis leis an ngá le rialú teorann ag teorainneacha inmheánacha a athbhunú ar eolas níos lú ná ceithre seachtaine roimh an dáta atá beartaithe don athbhunú. Chuige sin, soláthróidh an Ballstát an fhaisnéis seo a leanas:

- (a) na cúiseanna atá leis an athbhunú atá beartaithe, lena n-áirítear na sonraí ábhartha ar fad ina dtugtar tuairisc mhionsonraithe ar na gníomhartha is cúis le baol tromchúiseach dá bheartas poiblí nó dá shlándáil inmheánach;
- (b) raon feidhme an athbhunaithe atá beartaithe, ina sonraítear an chuid nó na codanna den rialú teorann ag teorainneacha inmheánacha atá le hathbhunú;
- (c) ainmneacha na bpointí trasnaithe atá údaraithe;
- (d) dáta agus ré an athbhunaithe atá beartaithe;
- (e) i gcás inarb iomchuí, na bearta atá le glacadh ag na Ballstáit eile.

▼ C1

Féadfaidh dhá Bhallstát nó níos mó fógra faoin gcéad fhomhír a chur isteach le chéile freisin.

▼ M6

Féadfaidh an Coimisiún faisnéis bhreise a iarraidh ón mBallstát nó ó na Ballstáit lena mbaineann, más gá sin.

2. Déanfar an fhaisnéis dá dtagraítear i mír 1 a chur faoi bhráid Pharlaimint na hEorpa agus na Comhairle ag an am céanna a thugtar fógra fúithi, de bhun an Airteagal sin, do na Ballstáit eile agus don Choimisiún.

3. Féadfaidh Ballstáit, atá ag tabhairt fógra faoi mhír 1, a chinneadh codanna den fhaisnéis a aicmiú, más gá sin agus i gcomhréir leis an dlí náisiúnta.

Ní fhágfar le haicmiú den sórt sin nach gcuirfidh an Coimisiún an fhaisnéis ar fáil do Pharlaimint na hEorpa. Comhlíonfaidh tarchur agus láimhseáil na faisnéise agus na ndoiciméad a tarchuireadh chuig Parlaimint na hEorpa faoi mhír 1 leis na rialacha a bhaineann le faisnéis rúnaicmithe a chur ar aghaidh agus a láimhseáil, ar rialacha iad atá infheidhme idir Parlaimint na hEorpa agus an Coimisiún.

▼ **M6**

4. Tar éis fógra a fháil ó Bhallstát faoi mhír 1 den Airteagal seo, agus ag féachaint don chomhairliúchán dá bhforáiltear i mír 5 den Airteagal seo, féadfaidh an Coimisiún nó aon Bhallstát eile tuairim a eisiúint gan dochar d'Airteagal 72 den Chonradh ar Fheidhmiú an Aontais Eorpaigh.

Más rud é, bunaithe ar an bhfaisnéis atá san fhógra nó ar aon fhaisnéis bhreise a bheidh faighte aige, go mbeidh inní ar an gCoimisiún maidir leis an riachtanas nó leis an gcomhréireacht a bhaineann le rialú teorann ag teorainneacha inmheánacha a athbhunú, nó má mheasann sé go mbeadh comhairliúchán maidir le gné éigin den fhógra iomchuí, eiseoidh sé tuairim chuige sin.

5. Beidh an fhaisnéis dá bhforáiltear i mír 1, chomh maith le haon tuairim ón gCoimisiún nó ó Bhallstát faoi mhír 4, faoi réir comhairliúchán, lena n-áirítear, i gcás inarb iomchuí, comhchruinnithe, idir an Ballstát a bhfuil beartaithe aige rialú teorann a athbhunú ag teorainneacha inmheánacha, na Ballstáit eile, go háirithe iad siúd a mbeidh tionchar díreach ag na bearta sin orthu, agus an Coimisiún, d'fhonn comhar frithpháirteach a eagrú, i gcás inarb iomchuí, idir na Ballstáit agus d'fhonn comhréireacht na mbearta a scrúdú i ndáil leis na himeachtaí is cúis le rialú teorann a athbhunú agus leis an mbaol do bheartas poiblí nó do shlándáil inmheánach.

6. Beidh an comhairliúchán dá dtagraítear i mír 5 ar bun ar a laghad deich lá roimh an dáta a leagtar amach chun rialú teorann a athbhunú.

*Airteagal 25***Nós imeachta sonracha le haghaidh cásanna a éilíonn beart láithreach**

1. I gcás ina n-éilítear beart láithreach de bharr baoil thromchúisigh a bheith ann do bheartas poiblí nó do shlándáil inmheánach i mBallstát, féadfaidh an Ballstát lena mbaineann ar bhonn eisceachtúil rialú teorann ag teorainneacha inmheánacha a athbhunú láithreach, ar feadh tréimhse teoranta deich lá ar a mhéid.

2. Agus rialú teorann ag teorainneacha inmheánacha á athbhunú, tabharfaidh Ballstát lena mbaineann fógra ina leith do na Ballstáit eile agus don Choimisiún an tráth céanna dá réir sin, agus soláthróidh sé an fhaisnéis dá dtagraítear in Airteagal 24(1), lena n-áirítear na cúiseanna is bunús le húsáid an nós imeachta a leagtar síos san Airteagal seo. Féadfaidh an Coimisiún dul i gcomhairle leis na Ballstáit eile a luaithe a fhaigheann sé an fógra.

3. Más ann don bhaol tromchúiseach don bheartas poiblí nó don tslándáil inmheánach tar éis na tréimhse dá bhforáiltear i mír 1, féadfaidh an Ballstát cinneadh a dhéanamh maidir leis an rialú teorann ag teorainneacha inmheánacha a fhadú ar feadh tréimhsí inathnuaite 20 lá ar a mhéad. Tríd an méid sin a dhéanamh, cuirfidh an Ballstát lena mbaineann na critéir dá dtagraítear in Airteagal 23a san áireamh, lena n-áirítear measúnú chun dáta ar riachtanas agus comhréireacht an bhirt, agus aon ghnéithe nua.

Beidh feidhm ag forálacha Airteagal 24(4) agus (5) *mutatis mutandis*, i gcás ina ndéantar fadú den sórt sin, agus cuirfear an comhairliúchán ar bun gan mhoill nuair a chuirfear an cinneadh chun síneadh a dhéanamh in iúl don Choimisiún agus do na Ballstáit.

▼M6

4. Gan dochar d'Airteagal 23(4), ní rachaidh an tréimhse iomlán ina n-athbhunófar rialú teorann ag teorainneacha inmheánacha thar dhá mhí, ar bhonn na buntréimhse atá sonraithe i mír 1 agus aon síntí atá sonraithe i mír 3.

5. Tabharfaidh an Coimisiún fógra do Pharlaimint na hEorpa gan mhoill faoi fhógraí a tugadh faoin Airteagal seo.

Airteagal 26

Nós imeachta sonracha i gcás ina mbeidh cúinsí eisceachtúla ann lena gcuirtear feidhmiú foriomlán an limistéir gan rialú ag teorainneacha inmheánacha i mbaol

1. I gcúinsí eisceachtúla ina gcuirtear feidhmiú foriomlán an limistéir gan rialú ag teorainneacha inmheánacha i mbaol mar thoradh ar easnaimh thromchúiseacha leanúnacha a bhaineann le rialú ag teorainn sheachtrach dá dtagraítear in Airteagal 19a, agus a mhéad is gur baol tromchúiseach iad na cúinsí sin do bheartas poiblí nó do shlándáil inmheánach laistigh den limistéar gan rialú ag teorainneacha inmheánacha nó i gcodanna de, féadfar rialú teorann ag teorainneacha inmheánacha a athbhunú i gcomhréir le mír 2 den Airteagal seo ar feadh tréimhse sé mhí ar a mhéid. Féadfar an tréimhse sin a shíneadh, trí huair ar a mhéid, go ceann tréimhse nach faide ná sé mhí más ann do na cúinsí eisceachtúla fós.

►C1 2. Féadfaidh an Chomhairle, mar rogha dheiridh agus mar bheart chun na leasanna coiteanna a chosaint sa limistéar gan rialú ag teorainneacha inmheánacha, i gcás ina bhfuil na bearta eile go léir, go háirithe na cinn dá dtagraítear in Airteagal 19a(1), gan éifeacht maidir leis an mbaol tromchúiseach a aithníodh a mhaolú, moladh a dhéanamh go ndéanfaidh Ballstát amháin nó níos mó díobh cinneadh rialú teorann a athbhunú ag a dtéorainneacha inmheánacha uile nó ag codanna sonracha dá dtéorainneacha inmheánacha. ◀ Bunófar moladh na Comhairle ar thogra ón gCoimisiún. Féadfaidh na Ballstáit iarraidh ar an gCoimisiún togra mar sin a chur faoi bhráid na Comhairle chun moladh a fháil.

Ina moladh, léireoidh an Chomhairle ar a laghad an fhaisnéis dá dtagraítear i bpointe (a) go pointe (e) d'Airteagal 24(1).

▼C1

Féadfaidh an Chomhairle síneadh a mholadh i gcomhréir leis na coiníollacha agus na nósanna imeachta atá leagtha amach san Airteagal seo.

Sula ndéanfaidh Ballstát rialú teorann a athbhunú ag a dtéorainneacha inmheánacha uile nó ag codanna sonracha dá dtéorainneacha inmheánacha faoin mhír seo, tabharfaidh sé fógra do na Ballstáit eile, do Pharlaimint na hEorpa agus don Choimisiún dá réir.

▼M6

3. Sa chás nach gcuirfidh Ballstát an moladh dá dtagraítear i mír 2 chun feidhme, cuirfidh an Ballstát sin na cúiseanna in iúl don Choimisiún gan mhoill i scríbhinn.

Sa chás sin, cuirfidh an Coimisiún tuarascáil faoi bhráid Pharlaimint na hEorpa agus na Comhairle ina ndéanfar measúnú ar na cúiseanna a chuirfidh an Ballstát lena mbaineann ar fáil agus na hiarmhairtí a bhaineann le comhleasanna an limistéir gan rialú ag teorainneacha inmheánacha a chosaint.

▼ **M6**

4. Ar mhórchúiseanna práinne a bhfuil bonn cuí leo, i gcásanna nach eol na cúiseanna leis an ngá rialú teorann ag teorainneacha inmheánacha a shíneadh, i gcomhréir le mír 2, ach taobh istigh de 10 lá roimh dheireadh na tréimhse roimhe sin maidir le rialú ag teorainneacha a thabhairt isteach arís, féadfaidh an Coimisiún aon mholtaí riachtanacha a ghlacadh láithreach trí bhíthin gníomhartha cur chun feidhme atá infheidhme láithreach i gcomhréir leis an nós imeachta dá dtagraítear in Airteagal 33a(3). Laistigh de 14 lá tar éis moltaí den sórt sin a ghlacadh, cuirfidh an Coimisiún togra faoi bhráid na Comhairle agus moladh á iarraidh ina leith i gcomhréir le mír 2.

5. Beidh an tAirteagal seo gan dochar do bhearta a bhféadfaidh an Ballstát glacadh i gcás ina mbeidh baol tromchúiseach ann do bheartas poiblí nó do shlándáil inmheánach faoi Airteagal 23, Airteagal 24 agus Airteagal 25.

Airteagal 26a

Critéir maidir le rialú teorann ag teorainneacha inmheánacha a athbhunú ar bhonn sealadach nuair a chuireann cúinsí eisceachtúla feidhmiú foriomlán an limistéir gan rialú ag teorainneacha inmheánacha i mbaol

► **C1** 1. I gcás ina molann an Chomhairle, mar rogha dheiridh, i gcomhréir le hAirteagal 26(2) athbhunú sealadach an rialaithe teorann ag teorainn inmheánach amháin nó níos mó nó ag codanna de na teorainneacha sin, ◀ measfaidh sí a mhéid is dóigh a réiteoidh an beart sin an baol do bheartas poiblí nó do shlándáil inmheánach sa limistéar gan rialú ag teorainneacha inmheánacha ar bhealach leordhóthanach, agus measfaidh sí comhréireacht an bhirt i ndáil leis an mbaol sin. Beidh an measúnú sin bunaithe ar an bhfaisnéis mhionsonraithe a bheidh curtha isteach ag an mBallstát/ag na Ballstáit lena mbaineann agus ag an gCoimisiún, agus ar aon fhaisnéis ábhartha eile, lena n-áirítear faisnéis a fhaightear faoi bhun mhír 2 den Airteagal seo. Agus measúnú den sórt sin á dhéanamh, cuirfidh an Chomhairle an méid seo a leanas go háirithe san áireamh:

► **C1** (a) an fháil atá ar bhearta tacaíochta teicniúla nó airgeadais a bhféadfaí dul ina muinín, nó a ndeachthas ina muinín, ar an leibhéal náisiúnta nó ar leibhéal an Aontais, nó ar an dá cheann, lena n-áirítear cúnaimh ó chomhlachtaí, oifigí nó gníomhaireachtaí de chuid an Aontais, amhail an Ghníomhaireacht, an Oifig Eorpach Tacaíochta do Chúrsaí Tearmainn ◀, a bunaíodh le Rialachán (AE) Uimh. 439/2010 ó Pharlaimint na hEorpa agus ón gComhairle ⁽¹⁾ nó an Oifig Eorpach Póilíní (“Europol”), a bunaíodh le Cinneadh 2009/371/CGB ón gComhairle ⁽²⁾, agus a mhéad is dóigh a réiteoidh na bearta sin go leordhóthanach an baol atá ann do bheartas poiblí nó do shlándáil inmheánach laistigh den limistéar gan rialú ag teorainneacha inmheánacha;

► **C1** (b) an tionchar atá ann faoi láthair agus an tionchar is dóigh a bheidh ag aon easnaimh thromchúiseacha a bhaineann le rialú ag teorainneacha seachtracha arna sainaitheint ◀ i gcomhthéacs na meastóireachtaí a dhéantar de bhun Rialachán (AE) Uimh. 1053/2013 agus a mhéad ar baol do bheartas poiblí nó do shlándáil inmheánach laistigh den limistéar gan rialú ag teorainneacha inmheánacha iad easnaimh thromchúiseacha mar sin;

(c) an tionchar is dóigh a bheidh ag athbhunú rialú teorann ag teorainneacha inmheánacha ar shaorghluaiseacht daoine laistigh den limistéar gan rialú ag teorainneacha inmheánacha.

⁽¹⁾ IO L 132, 29.5.2010, lch. 11.

⁽²⁾ IO L 121, 15.5.2009, lch. 37.

▼M6

2. Féadfaidh an Coimisiún na nithe seo a leanas a dhéanamh sula nglacfaidh sé togra le haghaidh molta ón gComhairle, i gcomhréir le hAirteagal 26(2):

- (a) iarraidh ar na Ballstáit, ar an nGníomhaireacht, ar Europol nó ar chomhlachtaí, oifigí nó gníomhaireachtaí eile de chuid an Aontais tuilleadh faisnéise a thabhairt dó;
- **C1** (b) cuairteanna ar an láthair a dhéanamh, le tacaíocht ó shaineolaithe ó na Ballstáit agus ón nGníomhaireacht, ó Europol nó ó aon chomhlacht, oifig nó gníomhaireacht ábhartha eile de chuid an Aontais ◀, chun faisnéis ábhartha a fháil nó a fhíorú maidir leis an moladh sin.

*Airteagal 27***Parlaimint na hEorpa agus an Chomhairle a chur ar an eolas****▼C1**

Cuirfidh an Coimisiún agus an Ballstát/na Ballstáit lena mbaineann Parlaimint na hEorpa agus an Chomhairle ar an eolas a luaithe agus is féidir faoi aon chúiseanna a d'fhéadfadh cur i bhfeidhm Airteagal 19a agus Airteagal 23 go hAirteagal 26a a chur ar bun.

▼B*Article 28***Provisions to be applied where border control is reintroduce at internal borders**

Where border control at internal borders is reintroduced, the relevant provisions of Title II shall apply *mutatis mutandis*.

▼M6*Airteagal 29***Tuarascáil ar rialú teorann ag teorainneacha inmheánacha a athbhunú**

Laistigh de cheithre seachtaine dá éis rialú teorann ag teorainneacha inmheánacha a bhaint, cuirfidh an Ballstát a rinne an rialú teorann ag teorainneacha inmheánacha tuarascáil ar rialú teorann ag teorainneacha inmheánacha a athbhunú faoi bhráid Pharlaimint na hEorpa, na Comhairle agus an Choimisiúin agus tabharfar eolas sa tuarascáil go háirithe faoin measúnú tosaigh agus na critéir dá dtagraítear in Airteagal 23a, in Airteagal 25 agus in Airteagal 26a a urramú, faoi fheidhmiú na seiceálacha, faoin gcomhar praiticiúil leis na Ballstáit chomharsanachta, faoin tionchar a bheidh ag an méid sin ar shaorghluaiseacht daoine, faoi éifeachtúlacht athbhunú an rialaithe teorann ag teorainneacha inmheánacha, lena n-áirítear measúnú ex-post ar chomhréireacht rialú teorann a athbhunú.

Féadfaidh an Coimisiún tuairim a eisiúint maidir leis an measúnú *ex-post* sin ar rialú teorann a athbhunú ag teorainn inmheánach amháin nó níos mó ná sin nó ar chodanna díobh.

Déanfaidh an Coimisiún tuarascáil maidir le feidhmiú an limistéir gan rialú ag teorainneacha inmheánacha a chur faoi bhráid Pharlaimint na hEorpa agus na Comhairle ar a laghad uair sa bhliain. Áireofar sa tuarascáil liosta de na cinntí go léir a rinneadh chun rialú teorann ag teorainneacha inmheánacha a athbhunú le linn na bliana ábhartha.

*Airteagal 30***An pobal a chur ar an eolas**

Cuirfidh an Coimisiún agus an Ballstát lena mbaineann an pobal ar an eolas, ar bhealach comhordaithe, maidir le cinneadh chun rialú teorann

▼ M6

ag teorainneacha inmheánacha a athbhunú, agus léireoidh sé go háirithe dáta tosaigh agus dáta deiridh an bhirt sin, ach amháin má tá cúiseanna sáraitheacha slándála gan a leithéid a dhéanamh.

▼ B*Article 31***Confidentiality**

At the request of the Member State concerned, the other Member States, the European Parliament and the Commission shall respect the confidentiality of information supplied in connection with the reintroduction and prolongation of border control and the report drawn up under Article 29.

TITLE IV

FINAL PROVISIONS**▼ M5***Airteagal 32***Leasuithe ar na hIarscríbhinní**

Tabharfar de chumhacht don Choimisiún gníomhartha tarmligthe a ghlacadh i gcomhréir le hAirteagal 33 maidir le leasuithe ar Iarscríbhinn III, ar Iarscríbhinn IV agus ar Iarscríbhinn VIII.

*Airteagal 33***An tarmligean a fheidhmiú**

1. Is faoi réir na gcoinníollacha a leagtar síos san Airteagal seo a thugtar de chumhacht don Choimisiún gníomhartha tarmligthe a ghlacadh.
2. Déanfar an chumhacht chun gníomhartha tarmligthe a ghlacadh dá dtagraítear in Airteagal 12(5) agus in Airteagal 32 a thabhairt don Choimisiún go ceann tréimhse neamhchinntithe ama amhail ón 19 Iúil 2013.
3. Féadfaidh Parlaimint na hEorpa nó an Chomhairle tarmligean na cumhachtaí dá dtagraítear in Airteagal 12(5) agus Airteagal 32 a chúlghairm aon tráth. Déanfaidh cinneadh chun cúlghairm a dhéanamh deireadh a chur le tarmligean na cumhachta atá sonraithe sa chinneadh sin. Gabhfaidh éifeacht leis an lá tar éis fhoilsiú an chinnidh in Iris Oifigiúil an Aontais Eorpaigh nó ar dháta is déanaí a shonrófar sa chinneadh. Ní dhéanfaidh sé difear do bhailíocht aon gníomhartha tarmligthe atá i bhfeidhm cheana féin.
4. A luaithe a ghlacfaidh sé gníomh tarmligthe, tabharfaidh an Coimisiún fógra do Parlaimint na hEorpa agus don Chomhairle ina leith an tráth céanna.
5. Ní thiofadh gníomh tarmligthe a ghlactar de bhun Airteagal 12(5) agus Airteagal 32 i bhfeidhm ach amháin mura mbeidh aon agóid curtha in iúl ag Parlaimint na hEorpa nó ag an gComhairle laistigh de thréimhse dhá mhí tar éis fógra faoin ngníomh sin a thabhairt do Parlaimint na hEorpa agus don Chomhairle nó más rud é, roimh dheireadh na tréimhse sin, go mbeidh Parlaimint na hEorpa agus an Chomhairle araon tar éis a chur in iúl don Choimisiún nach ndéanfaidh siad aon agóid. Déanfar an tréimhse sin a fhadú dhá mhí ar thionscnamh Parlaimint na hEorpa nó na Comhairle.

▼ M6*Airteagal 33a***An nós imeachta coiste**

1. Tabharfaidh coiste cúnaimh don Choimisiún. Is é a bheidh sa Choiste sin Coiste de réir bhrí Rialachán (AE) Uimh. 182/2011 ó Pharlaimint na hEorpa agus ón gComhairle an 16 Feabhra 2011 lena leagtar síos na rialacha agus na prionsabail ghinearálta maidir le sásraí do rialú ag na Ballstáit ar fheidhmiú cumhachtaí cur chun feidhme ag an gCoimisiún ⁽¹⁾.
2. I gcás ina ndéanfar tagairt don mhír seo, beidh feidhm ag Airteagal 5 de Rialachán (AE) Uimh. 182/2011. I gcás nach dtugann an coiste tuairim uaidh, ní dhéanfaidh an Coimisiún an dréachtghníomh cur chun feidhme a ghlacadh agus beidh feidhm ag an tríú fomhír d'Airteagal 5(4) de Rialachán (AE) Uimh. 182/2011.
3. I gcás ina ndéanfar tagairt don mhír seo, beidh feidhm ag Airteagal 8 de Rialachán (AE) Uimh. 182/2011 i gcomhar le hAirteagal 5 de.

▼ B*Article 34***Notifications**

1. Member States shall notify the Commission of:

▼ M5

- (a) liosta na gceadanna cónaithe agus idirdhealú á dhéanamh idir iad siúd a chumhdaítear le pointe (a) de phointe 15 d'Airteagal 2 agus iad siúd a chumhdaítear le pointe (b) de phointe 15 d'Airteagal 2 agus a mbeidh sampla le haghaidh ceadanna arna gcumhdach le pointe (b) de phointe 15 d'Airteagal 2 ag gabháil leo. Cártaí cónaithe a eiseofar i gcomhréir le Treoir 2004/38/CE, léireofar go soiléir gurb é an cineál sin ceada a bheidh i gceist agus cuirfear cóipeanna samplacha ar fáil i leith na gcártaí cónaithe sin nár eisíodh i gcomhréir leis an bhformáid aonfhoirmeach a leagtar síos le Rialachán (CE) Uimh. 1030/2002;

▼ B

- (b) the list of their border crossing points;
- (c) the reference amounts required for the crossing of their external borders fixed annually by the national authorities;
- (d) the list of national services responsible for border control;
- (e) the specimen of model cards issued by Foreign Ministries;

▼ M5

- (ea) na heisceachtaí ó na rialacha maidir leis na teorainneacha seachtracha dá dtagraítear i bpointe (a) d'Airteagal 4(2) a thrasnú;
- (eb) an staidreamh dá dtagraítear in Airteagal 10(3).

▼ B

2. The Commission shall make the information notified in conformity with paragraph 1 available to the Member States and the public through publication in the *Official Journal of the European Union*, C Series, and by any other appropriate means.

⁽¹⁾ IO L 55, 28.2.2011, lch. 13.

▼B*Article 35***Local border traffic**

This Regulation shall be without prejudice to Community rules on local border traffic and to existing bilateral agreements on local border traffic.

*Article 36***Ceuta and Melilla**

The provisions of this Regulation shall not affect the special rules applying to the cities of Ceuta and Melilla, as defined in the Declaration by the Kingdom of Spain on the cities of Ceuta and Melilla in the Final Act to the Agreement on the Accession of the Kingdom of Spain to the Convention implementing the Schengen Agreement of 14 June 1985 ⁽¹⁾.

*Article 37***Notification of information by the Member States****▼M5**

Tabharfaidh na Ballstáit fógra don Choimisiún maidir leis na forálacha náisiúnta a bhaineann le hAirteagal 21(c) agus (d), maidir leis na pionóis amhail dá dtagraítear in Airteagal 4(3) agus maidir leis na comhaontuithe déthaobhacha a údaraítear leis an Rialachán seo. Déanfar fógra maidir le hathruithe dá éis ar na forálacha sin a thabhairt laistigh de chúig lá oibre.

▼B

The information notified by the Member States shall be published in the *Official Journal of the European Union*, C Series.

▼M6*Airteagal 37a***Sásra meastóireachta**

1. I gcomhréir leis an gConradh ar Fheidhmiú an Aontais Eorpaigh agus leis an gConradh ar an Aontas Eorpach agus gan dochar do na forálacha iontu maidir le nósanna imeachta sáraithe, déanfaidh gach Ballstát meastóireacht ar chur chun feidhme an Rialacháin seo trí shásra meastóireachta.

2. Sonraítear na rialacha maidir leis an sásra meastóireachta i Rialachán (AE) Uimh. 1053/2013. I gcomhréir leis an sásra meastóireachta sin, déanann na Ballstáit agus an Coimisiún meastóireachtaí rialta, oibiachtúla agus neamhchlaonta go comhpháirteach d'fhonn cur i bhfeidhm an Rialacháin seo a fhíorú agus déanann an Coimisiún na meastóireachtaí a chomhordú i ndlúthchomhar leis na Ballstáit. Faoin sásra sin, déanfaidh foireann bheag ionadaithe ón gCoimisiún agus saineolaithe a ainmneoidh na Ballstáit meastóireacht ar gach Ballstát ar a laghad gach cúig bliana.

▼C1

Féadfaidh cuairteanna ar an láthair a d'fhógrófaí agus nach bhfógrófaí ag teorainneacha seachtracha nó ag teorainneacha inmheánacha bheith i gceist le meastóireachtaí.

▼M6

I gcomhréir leis an sásra meastóireachta sin, beidh sé de chúram ar an gCoimisiún na cláir mheastóireachta ilbhliantúla agus na cláir mheastóireachta bhliantúla a ghlacadh mar aon leis na tuarascálacha meastóireachta.

⁽¹⁾ OJ L 239, 22.9.2000, p. 73.

▼M6

3. I gcás na moltaí maidir le heasnaimh a d'fhéadfadh a bheith ann le haghaidh gníomhaíochtaí ceartaitheacha, féadfar iad a dhíriú ar na Ballstáit lena mbaineann.

I gcás ina bhfuil easnaimh thromchúiseacha ann maidir le rialú ag teorainneacha inmheánacha a chur i gcrích a shaináithnítear i dtuarascáil mheastóireachta arna glacadh ag an gCoimisiún i gcomhréir le hAirteagal 14 de Rialachán (AE) Uimh. 1053/2013, beidh feidhm ag Airteagal 19a agus ag Airteagal 26 den Rialachán seo.

4. Cuirfear Parlaimint na hEorpa agus an Chomhairle ar an eolas ag gach céim den mheastóireacht agus cuirfear na doiciméid ábhartha chucu, i gcomhréir leis na rialacha maidir le doiciméid rúnda.

5. Cuirfear Parlaimint na hEorpa ar an eolas láithreach bonn agus go hiomlán maidir le haon togra chun na rialacha a leagtar síos i Rialachán (AE) Uimh. 1053/2013 a leasú nó a athchur.

▼B*Article 38***Report on the application of Title III**

The Commission shall submit to the European Parliament and the Council by 13 October 2009 a report on the application of Title III.

The Commission shall pay particular attention to any difficulties arising from the reintroduction of border control at internal borders. Where appropriate, it shall present proposals aimed at resolving such difficulties.

*Article 39***Repeals**

1. Articles 2 to 8 of the Convention implementing the Schengen Agreement of 14 June 1985 shall be repealed with effect from 13 October 2006.

2. The following shall be repealed with effect from the date referred to in paragraph 1:

- (a) the Common Manual, including its annexes;
- (b) the decisions of the Schengen Executive Committee of 26 April 1994 (SCH/Com-ex (94) 1, rev 2), 22 December 1994 (SCH/Com-ex (94)17, rev. 4) and 20 December 1995 (SCH/Com-ex (95) 20, rev. 2);
- (c) Annex 7 to the Common Consular Instructions;
- (d) Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance ⁽¹⁾;

⁽¹⁾ OJ L 116, 26.4.2001, p. 5. Regulation amended by Decision 2004/927/EC (OJ L 396, 31.12.2004, p. 45).

▼B

- (e) Council Decision 2004/581/EC of 29 April 2004 determining the minimum indications to be used on signs at external border crossing points ⁽¹⁾;
- (f) Council Decision 2004/574/EC of 29 April 2004 amending the Common Manual ⁽²⁾;
- (g) Council Regulation (EC) No 2133/2004 of 13 December 2004 on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when they cross the external borders of the Member States and amending the provisions of the Convention implementing the Schengen agreement and the Common Manual to this end ⁽³⁾.

3. References to the Articles deleted and instruments repealed shall be construed as references to this Regulation.

*Article 40***Entry into force**

This Regulation shall enter into force on 13 October 2006. However, Article 34 shall enter into force on the day after its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

⁽¹⁾ OJ L 261, 6.8.2004, p. 119.

⁽²⁾ OJ L 261, 6.8.2004, p. 36.

⁽³⁾ OJ L 369, 16.12.2004, p. 5.

*ANNEX I***Supporting documents to verify the fulfilment of entry conditions**

The documentary evidence referred to in Article 5(2) may include the following:

- (a) for business trips:
 - (i) an invitation from a firm or an authority to attend meetings, conferences or events connected with trade, industry or work;
 - (ii) other documents which show the existence of trade relations or relations for work purposes;
 - (iii) entry tickets for fairs and congresses if attending one;
- (b) for journeys undertaken for the purposes of study or other types of training:
 - (i) a certificate of enrolment at a teaching institute for the purposes of attending vocational or theoretical courses in the framework of basic and further training;
 - (ii) student cards or certificates for the courses attended;
- (c) for journeys undertaken for the purposes of tourism or for private reasons:
 - (i) supporting documents as regards lodging:
 - an invitation from the host if staying with one,
 - a supporting document from the establishment providing lodging or any other appropriate document indicating the accommodation envisaged;
 - (ii) supporting documents as regards the itinerary:
 - confirmation of the booking of an organised trip or any other appropriate document indicating the envisaged travel plans;
 - (iii) supporting documents as regards return:
 - a return or round-trip ticket.
- (d) for journeys undertaken for political, scientific, cultural, sports or religious events or other reasons:
 - invitations, entry tickets, enrolments or programmes stating wherever possible the name of the host organisation and the length of stay or any other appropriate document indicating the purpose of the visit.

▼B*ANNEX II***Registration of information**

At all border crossing points, all service information and any other particularly important information shall be registered manually or electronically. The information to be registered shall include in particular:

- (a) the names of the border guard responsible locally for border checks and of the other officers in each team;
- (b) relaxation of checks on persons applied in accordance with Article 8;
- (c) the issuing, at the border, of documents in place of passports and of visas;
- (d) persons apprehended and complaints (criminal offences and administrative breaches);
- (e) persons refused entry in accordance with Article 13 (grounds for refusal and nationalities);
- (f) the security codes of entry and exit stamps, the identity of border guards to whom a given stamp is assigned at any given time or shift and the information relating to lost and stolen stamps;
- (g) complaints from persons subject to checks;
- (h) other particularly important police or judicial measures;
- (i) particular occurrences.

▼B

ANNEX III

Model signs indicating lanes at border crossing points

PART A



(¹)

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

▼ M5

CUID B1:
“níl víosa riachtanach”



**NÍL VÍOSA
RIACHTANACH**

CUID B2:
“gach cineál pas”



**GACH
CINEÁL PAS**

▼B

PART C



(¹)



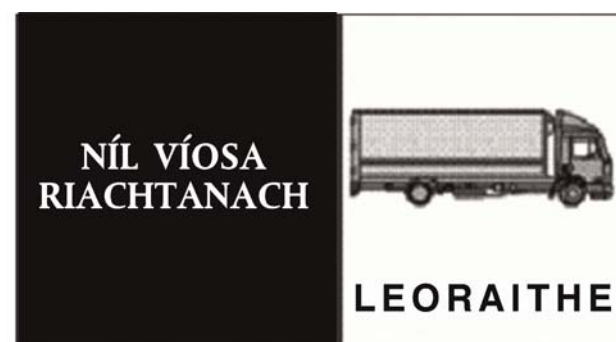
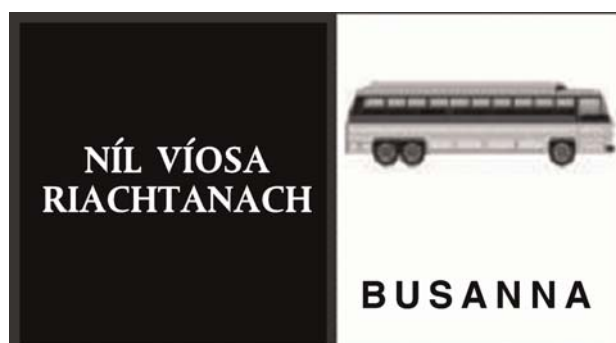
(¹)



(¹)

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

▼ M5



▼B

**ALL
PASSPORTS**



CARS

**ALL
PASSPORTS**



BUSES

**ALL
PASSPORTS**



LORRIES

▼ B*ANNEX IV***Affixing stamps**

1. The travel documents of third-country nationals shall be systematically stamped on entry and exit, in accordance with Article 10. The specifications of those stamps are laid down in the Schengen Executive Committee Decision SCH/COM-EX (94) 16 rev and SCH/Gem-Handb (93) 15 (CONFIDENTIAL).
2. The security codes on the stamps shall be changed at regular intervals not exceeding one month.

▼ M5

3. Ar dhul isteach agus ar imeacht do náisiúnaigh tríú tíortha a bheidh faoi réir na hoibleagáide víosa, déanfar, mar rialail ghinearálta, an stampa a ghreamú ar an leathanach ar aghaidh an leathanaigh ar a mbeidh an víosa greamaithe.

▼ B

If that page cannot be used, the stamp shall be entered on the following page. The machine readable zone shall not be stamped.

4. Member States shall designate national contact points responsible for exchanging information on the security codes of the entry and exit stamps used at border crossing points and shall inform the other Member States, the General Secretariat of the Council and the Commission thereof. Those contact points shall have access without delay to information regarding common entry and exit stamps used at the external border of the Member State concerned, and in particular to information on the following:

- (a) the border crossing point to which a given stamp is assigned;
- (b) the identity of the border guard to whom a given stamp is assigned at any given time;
- (c) the security code of a given stamp at any given time.

Any inquiries regarding common entry and exit stamps shall be made through the abovementioned national contact points.

The national contact points shall also forward immediately to the other contact points, the General Secretariat of the Council and the Commission information regarding a change in the contact points as well as lost and stolen stamps.

▼B*ANNEX V*

PART A

Procedures for refusing entry at the border

1. When refusing entry, the competent border guard shall:
 - (a) fill in the standard form for refusing entry, as shown in Part B. The third-country national concerned shall sign the form and shall be given a copy of the signed form. Where the third-country national refuses to sign, the border guard shall indicate this refusal in the form under the section 'comments';
 - (b) affix an entry stamp on the passport, cancelled by a cross in indelible black ink, and write opposite it on the right-hand side, also in indelible ink, the letter(s) corresponding to the reason(s) for refusing entry, the list of which is given on the abovementioned standard form for refusing entry;

▼M3

- (c) na víosaí a neamhniú nó a chúlghairm, de réir mar is iomchuí, i gcomhréir leis na coinníollacha atá leagtha síos in Airteagal 34 de Rialachán (CE) Uimh 810/2009 ó Pharlaimint na hEorpa agus ón gComhairle an 13 Iúil 2009 lena mbunaítear cód Comhphobail maidir le Víosaí (Cód Víosaí) ⁽¹⁾;

▼B

- (d) record every refusal of entry in a register or on a list stating the identity and nationality of the third-country national concerned, the references of the document authorising the third-country national to cross the border and the reason for, and date of, refusal of entry;

▼M3

▼B

3. If a third-country national who has been refused entry is brought to the border by a carrier, the authority responsible locally shall:
 - (a) order the carrier to take charge of the third-country national and transport him or her without delay to the third country from which he or she was brought, to the third country which issued the document authorising him or her to cross the border, or to any other third country where he or she is guaranteed admittance, or to find means of onward transportation in accordance with Article 26 of the Schengen Convention and Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 ⁽²⁾;
 - (b) pending onward transportation, take appropriate measures, in compliance with national law and having regard to local circumstances, to prevent third-country nationals who have been refused entry from entering illegally.
4. If there are grounds both for refusing entry to a third-country national and arresting him or her, the border guard shall contact the authorities responsible to decide on the action to be taken in accordance with national law.


⁽¹⁾ IO L 243, 15.9.2009, lch. 1.

⁽²⁾ OJ L 187, 10.7.2001, p. 45.



PART B

Standard form for refusal of entry at the border

Name of State Logo of State (Name of Office) _____	
(1)	
REFUSAL OF ENTRY AT THE BORDER	
On _____ at (time) _____ at the border crossing point _____	
We, the undersigned, _____ have before us:	
Surname _____ First name _____	
Date of birth _____ Place of birth _____ Sex _____	
Nationality _____ Resident in _____	
Type of identity document _____ number _____	
Issued in _____ on _____	
Visa number _____ type _____ issued by _____	
valid from _____ until _____	
For a period of _____ days on the following grounds: _____	
Coming from _____ by means of _____ (indicate means of transport used, e.g. flight number), he/she is hereby informed that he/she is refused entry into the country pursuant to (indicate references to the national law in force), for the following reasons:	
<input type="checkbox"/> (A) has no valid travel document(s) <input type="checkbox"/> (B) has a false/counterfeit/forged travel document <input type="checkbox"/> (C) has no valid visa or residence permit <input type="checkbox"/> (D) has a false/counterfeit/forged visa or residence permit <input type="checkbox"/> (E) has no appropriate documentation justifying the purpose and conditions of stay. The following document(s) could not be provided: _____	
<input type="checkbox"/> (F) tar éis 90 lá a chaitheamh cheana féin ar chríoch Bhallstáit an Aontais Eorpaigh sna 180 lá roimhe sin ◀	
<input type="checkbox"/> (G) does not have sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit	
<input type="checkbox"/> (H) is a person for whom an alert has been issued for the purposes of refusing entry <input type="checkbox"/> in the SIS <input type="checkbox"/> in the national register	
<input type="checkbox"/> (I) is considered to be a <i>threat to public policy, internal security, public health or the international relations</i> of one or more of the Member States of the European Union (each State must indicate the references to national law relating to such cases of refusal of entry).	
Comments The person concerned may appeal against the decision to refuse entry as provided for in national law. The person concerned receives a copy of this document (each State must indicate the references to the national law and procedure relating to the right of appeal).	
<div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto;"></div> Person concerned	<div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto;"></div> Officer responsible for checks

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

▼B*ANNEX VI***Specific rules for the various types of border and the various means of transport used for crossing the Member States' external borders****1. Land borders****1.1. Checks on road traffic**

1.1.1. To ensure effective checks on persons, while ensuring the safety and smooth flow of road traffic, movements at border crossing points shall be regulated in an appropriate manner. Where necessary, Member States may conclude bilateral agreements to channel and block traffic. They shall inform the Commission thereof pursuant to Article 37.

1.1.2. At land borders, Member States may, where they deem appropriate and if circumstances allow, install or operate separate lanes at certain border crossing points, in accordance with Article 9.

Separate lanes may be dispensed with at any time by the Member States' competent authorities, in exceptional circumstances and where traffic and infrastructure conditions so require.

Member States may cooperate with neighbouring countries with a view to the installation of separate lanes at external border crossing points.

1.1.3. As a general rule, persons travelling in vehicles may remain inside them during checks. However, if circumstances so require, persons may be requested to alight from their vehicles. Thorough checks will be carried out, if local circumstances allow, in areas designated for that purpose. In the interests of staff safety, checks will be carried out, where possible, by two border guards.

▼M5**1.1.4. Pointí trasnaithe teorann roinnte**

1.1.4.1. Féadfaidh Ballstáit comhaontuithe déthaobhacha a thabhairt i gcrích nó a choinneáil ar bun le tríú tíortha comharsanachta maidir le pointí trasnaithe teorann roinnte a bhunú ag a ndéanfaidh gardaí teorann an Bhallstáit agus gardaí teorann an tríú tír, i ndiaidh a chéile, seiceálacha ar imeacht agus seiceálacha ar dhul isteach i gcomhréir lena dhlí náisiúnta, ar chríoch an pháirtí eile. Féadfaidh pointí trasnaithe teorann roinnte a bheith suite ar chríoch an Bhallstáit nó ar chríoch tríú tír.

1.1.4.2. Pointí trasnaithe teorann roinnte suite ar chríoch Ballstáit: Beidh údarú do ghardaí teorann tríú tír a gcúraimí a fheidhmiú sa Bhallstát sna comhaontuithe déthaobhacha lena mbunaítear pointí trasnaithe teorann roinnte ar chríoch Ballstáit, agus na prionsabail seo a leanas á n-urramú:

(a) Cosaint idirnáisiúnta: Tabharfar rochtain ar nósanna imeachta ábhartha an Bhallstáit do náisiúnach tríú tír atá ag iarraidh cosaint idirnáisiúnta ar chríoch Ballstáit i gcomhréir le *acquis* an Aontais maidir le tearmann.

(b) Duine a ghabháil nó maoin a urghabháil: Má thagann gardaí tríú tír ar an eolas faoi fhíríci a bhfuil bonn cirt leo leis an duine a ghabháil nó an duine a chur faoi chosaint nó le maoin a urghabháil, cuirfidh siad údarás an Bhallstáit ar an eolas faoi na fíríci sin agus áirítheoidh údarás an Bhallstáit go ndéanfar gníomh leantach iomchuí i gcomhréir leis an dlí náisiúnta, le dlí an Aontais, agus leis an dlí idirnáisiúnta, go neamhspleách ar náisiúntacht an duine lena mbaíneann.

▼ M5

- (c) Daoine a bhfuil ceart chun saorghluaiseachta acu faoi dhlí an Aontais atá ag dul isteach i gcóir an Aontais: Ní chuirfidh gardaí teorann tríú tír cosc ar dhaoine a bhfuil ceart chun saorghluaiseachta acu faoi dhlí an Aontais dul isteach i gcóir an Aontais. Má tá cúiseanna ann a bhfuil bonn cirt leo le himeacht ón tríú tír lena mbaineann a dhiúltú, cuirfidh gardaí teorann tríú tír údarás an Bhallstáit ar an eolas faoi na cúiseanna sin agus áiritheoidh údarás an Bhallstáit go ndéanfar gníomh leantach i gcomhréir leis an dlí náisiúnta, le dlí an Aontais agus leis an dlí idirnáisiúnta.

1.1.4.3. Pointí trasnaithe teorann roinnte suite ar chríoch tríú tír: Beidh údarú do ghardaí teorann an Bhallstáit a gcúraimí a chomhlíonadh sa tríú tír sna comhaontuithe déthaobhacha lena mbunaítear pointí trasnaithe teorann roinnte ar chríoch tríú tír. Chun críche an Rialacháin seo, féachfar ar sheiceálacha a dhéanann gardaí teorann aon Bhallstáit ag pointe trasnaithe teorann roinnte ach atá suite ar chríoch tríú tír mar sheiceálacha a rinneadh ar chríoch an Bhallstáit a bheidh i gceist. Tabharfaidh gardaí teorann faoina gcuid cúraimí i gcomhréir le Rialachán (AE) Uimh. 562/2006 agus na príonsabail seo a leanas á n-urramú:

- (a) Cosaint idirnáisiúnta: Tabharfar rochtain ar nósanna imeachta ábhartha Ballstáit i gcomhréir le *acquis* an Aontais maidir le tearmann do náisiúnach tríú tír atá imithe thar rialú imeachta arna fheidhmiú ag gardaí teorann tríú tír agus a iarann, ina dhiaidh sin, cosaint idirnáisiúnta ar ghardaí teorann an Bhallstáit atá i láthair sa tríú tír. Glacfaidh údarás tríú tír le haistriú an duine lena mbaineann go críoch an Bhallstáit.
- (b) Duine a ghabháil nó maoin a urghabháil: Má thagann gardaí teorann Ballstáit ar an eolas faoi fhíríic a bhfuil bonn cirt leo le duine a ghabháil nó a chur faoi chosaint nó le maoin a urghabháil, gníomhóidh siad i gcomhréir leis an dlí náisiúnta, le dlí an Aontais agus leis an dlí idirnáisiúnta. Glacfaidh údarás tríú tír le haistriú an duine nó an ní lena mbaineann go críoch an Bhallstáit.
- (c) Rochtain ar chórais TF: I gcomhréir le hAirteagal 7, beidh cead ag gardaí teorann Ballstáit córais faisnéise phróiseála sonraí pearsanta a úsáid maidir le faisnéis. Beidh cead ag Ballstáit na bearta slándála teicniúla agus eagraíochtúla a cheanglaítear le dlí an Aontais a bhunú d'fhonn sonraí pearsanta a chosaint ar scrios nó ar chailliúint mhídhleathach nó ar chailliúint de thaisme, ar athrú, ar nochtadh nó ar rochtain neamhúdaráithe, lena n-áirítear rochtain ag údarás tríú tír.

1.1.4.4. Sula dtabharfar i gcrích nó sula leasófar aon chomhaontú déthaobhach le tríú tír comharsanachta i ndáil le pointí trasnaithe teorann roinnte, rachaidh an Ballstát lena mbaineann i gcomhairle leis an gCoimisiún maidir le comhoiriúnacht an chomhaontaithe le dlí an Aontais. Cuirfear an Coimisiún ar an eolas maidir le haon chomhaontú déthaobhach atá ann cheana faoin 20 Eanáir 2014.

Más dóigh leis an gCoimisiún nach bhfuil an comhaontú comhoiriúnach le dlí an Aontais, cuirfidh sé an Ballstát lena mbaineann ar an eolas faoin méid sin. Glacfaidh an Ballstát na céimeanna uile is iomchuí chun an comhaontú a leasú laistigh de thréimhse réasúnta ionas go bhfaighfear réidh leis na neamh-chomhoiriúnachtaí sin.

▼B1.2. *Checks on rail traffic***▼M5**

1.2.1. Déanfar seiceálacha ar phaisinéirí traenach agus ar fhoireann iarnróid araon ar thraenacha a thrasnaíonn teorainneacha seachtracha, lena n-áirítear traenacha earraí nó traenacha folmha. Féadfaidh Ballstáit comhaontuithe déthaobhacha nó comhaontuithe iltaobhacha a thabhairt i gcrích maidir leis an mbealach chun na seiceálacha sin a dhéanamh agus na prionsabail a leagtar amach i bpointe 1.1.4. á n-urramú. Déanfar na seiceálacha sin ar cheann de na bealaí seo a leanas:

— sa chéad stáisiún a dtiocfaidh an traen isteach ann nó an stáisiún deireanach a n-imeoidh sí uaidh ar chríoch Ballstáit,

— ar bord na traenach, le linn idirthuais idir an stáisiún deireanach a n-imeoidh sí uaidh i dtríú tír agus an chéad stáisiún a dtiocfaidh sí isteach ann ar chríoch Ballstáit, nó *vice versa*,

— sa stáisiún deireanach a n-imeoidh an traen uaidh nó sa chéad stáisiún a dtiocfaidh sí isteach ann ar chríoch tríú tír.

1.2.2. Ina theannta sin, d'fhonn sreafaí tráchta iarnróid na dtraenacha paisinéirí ardluais a éascú, féadfaidh na Ballstáit a bheidh ar chúrsa taistil na dtraenacha sin ó thríú tíortha a chinneadh freisin, i gcomhaontú leis na tríú tíortha lena mbaineann agus na prionsabail a leagtar amach i bpointe 1.1.4. á n-urramú acu, seiceálacha ar dhul isteach a dhéanamh ar dhaoine i dtraenacha ó thríú tíortha ar cheann ar bith de na bealaí seo a leanas:

— sna stáisiúin i dtríú tír ag a dtiocfaidh daoine ar an traen,

— sna stáisiúin ag a dtuirlingeoidh daoine den traen, laistigh de chríoch na mBallstát,

— ar bord na traenach le linn idirthuais idir na stáisiúin ar chríoch tríú tír agus stáisiúin ar chríoch na mBallstát, ar choinníoll go bhfanfaidh na daoine ar bord na traenach.

▼B

1.2.3. With respect to high-speed trains from third countries making several stops in the territory of the Member States, if the rail transport carrier is in a position to board passengers exclusively for the remaining part of the journey within the territory of the Member States, such passengers shall be subject to entry checks either on the train or at the station of destination except where checks have been carried out pursuant to points 1.2.1 or 1.2.2 first indent.

Persons who wish to take the train exclusively for the remaining part of the journey within the territory of the Member States shall receive clear notification prior to the train's departure that they will be subject to entry checks during the journey or at the station of destination.

1.2.4. When travelling in the opposite direction, the persons on board the train shall be subject to exit checks under similar arrangements.

1.2.5. The border guard may order the cavities of carriages to be inspected if necessary with the assistance of the train inspector, to ensure that persons or objects subject to border checks are not concealed in them.

1.2.6. Where there are reasons to believe that persons who have been reported or are suspected of having committed an offence, or third-country nationals intending to enter illegally, are hiding on a train, the border guard, if he or she cannot act in accordance with his national provisions, shall notify the Member States towards or within whose territory the train is moving.

▼B**2. Air borders****2.1. Procedures for checks at international airports**

2.1.1. The competent authorities of the Member States shall ensure that the airport operator takes the requisite measures to physically separate the flows of passengers on internal flights from the flows of passengers on other flights. Appropriate infrastructures shall be set in place at all international airports to that end.

2.1.2. The place where border checks are carried out shall be determined in accordance with the following procedure:

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

(b) for flights from or to third countries 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 aircraft:

(i) passengers on flights from or to third countries 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;

(ii) passengers on flights from or to third countries with more than one stop-over on the territory of the Member States where there is no change of aircraft (transit passengers), and provided that passengers cannot board the aircraft for the leg situated within the territory of the Member States, shall be subject to an entry check at the airport of arrival and an exit check at the airport of departure;

(iii) where an airline may, for flights from third countries with more than one stop-over within the territory of the Member States, board passengers only for the remaining leg within that 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 those 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 point (b)(ii). The reverse procedure shall apply to that category of flights where the country of destination is a third country.

2.1.3. Border checks will normally not be carried out on the aircraft or at the gate, unless it is justified on the basis of an assessment of the risks related to internal security and illegal immigration. In order to ensure that, at the airports designated as border crossing points, persons are checked in accordance with the rules set out in Articles 6 to 13, Member States shall ensure that the airport authorities take the requisite measures to channel passenger traffic to facilities reserved for checks.

Member States shall ensure that the airport operator takes the necessary measures to prevent unauthorised persons entering and leaving the reserved areas, for example the transit area. Checks will normally not be carried out in the transit area, unless it is justified on the basis of an assessment of the risks related to internal security and illegal immigration; in particular checks in this area may be carried out on persons subject to an airport transit visa in order to check that they are in possession of such a visa.

▼B

- 2.1.4. Where, in cases of *force majeure* or imminent danger or on the instructions of the authorities, an aircraft on a flight from a third country has to land on a landing ground which is not a border crossing point, that aircraft may continue its flight only after authorisation from the border guards and from customs. The same shall apply where an aircraft on a flight from a third country lands without permission. In any event, Articles 6 to 13 shall apply to checks on persons on those aircraft.
- 2.2. *Procedures for checks in aerodromes*
- 2.2.1. It shall be ensured that persons are also checked, in accordance with Articles 6 to 13, in airports which do not hold the status of international airport under the relevant national law (aerodromes) but through which the routing of flights from or to third countries is authorised.
- 2.2.2. By way of derogation from point 2.1.1 it shall not be necessary to make appropriate arrangements in aerodromes to ensure that inflows of passengers from internal and other flights are physically separated, without prejudice to Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security⁽¹⁾. In addition, when the volume of traffic is low, the border guards need not be present at all times, provided that there is a guarantee that the necessary personnel can be deployed in good time.
- 2.2.3. When the presence of the border guards is not assured at all times in the aerodrome, the manager of the aerodrome shall give adequate notice to the border guards about the arrival and the departure of aircrafts on flights from or to third countries.
- 2.3. Checks on persons on private flights
- 2.3.1. In the case of private flights from or to third countries the captain shall transmit to the border guards of the Member State of destination and, where appropriate, of the Member State of first entry, prior to take-off, a general declaration comprising inter alia a flight plan in accordance with Annex 2 to the Convention on International Civil Aviation and information concerning the passengers' identity.
- 2.3.2. Where private flights coming from a third country and bound for a Member State make stop-overs in the territory of other Member States, the competent authorities of the Member State of entry shall carry out border checks and affix an entry stamp to the general declaration referred to in point 2.3.1.
- 2.3.3. Where uncertainty exists whether a flight is exclusively coming from, or solely bound for, the territories of the Member States without stop-over on the territory of a third country, the competent authorities shall carry out checks on persons in airports and aerodromes in accordance with points 2.1 to 2.2.
- 2.3.4. The arrangements for the entry and exit of gliders, micro-light aircraft, helicopters, small-scale aircraft capable of flying short distances only and airships shall be laid down by national law and, where applicable, by bilateral agreements.

⁽¹⁾ OJ L 355, 30.12.2002, p. 1. Regulation as amended by Regulation (EC) No 849/2004 (OJ L 158, 30.4.2004, p. 1).

▼B**3. Sea borders****▼M5****3.1. Nósanna imeachta seiceála ginearálta maidir le muirthrácht**

3.1.1 Déanfar seiceálacha ar longa ag an gcalafort teacht isteach nó imeachta, nó i limistéar a chuirtear ar fáil go sonrach chun na críche sin agus a bheidh suite díreach taobh leis an ártach nó ar bord loinge sna huiscí teorann arna sainmhíniú ag Coinbhinsiún na Náisiún Aontaithe maidir le Dlí na Farraige. Féadfaidh na Ballstáit comhaontuithe a thabhairt i gcrích agus féadfar seiceálacha a dhéanamh freisin i gcomhréir leis na comhaontuithe sin le linn trasnuithe nó, ar theacht i dtír nó ar imeacht na loinge, i gcíoch tríú tír, agus na prionsabail a leagtar amach i bpointe 1.1.4. á n-urramú.

3.1.2. Déanfaidh an máistir, gníomhaire na loinge nó duine éigin eile arna údarú go cuí ag an máistir nó a fhíordheimhneofar ar bhealach a bheidh inghlactha don údarás poiblí lena mbaineann (dá ngairfear, sa dá chás, an “máistir” anseo feasta), liosta den chriú agus d'aon phaisinéirí a bheidh ann a tharraingt suas, ar liosta é ar a mbeidh an fhaisnéis a bheidh de dhíth i bhfoirm 5 (liosta an chriú) agus i bhfoirm 6 (liosta na bpaisinéirí) den Choinbhinsiún maidir le Muirthrácht Idirnáisiúnta a Éascú (Coinbhinsiún FAL) agus, i gcás inarb infheidhme, uimhir an víosa nó an cheada chónaithe:

— ar a dhéanaí ceithre uair an chloig is fiche sula sroichfear an calafort, nó

— ar a dhéanaí, nuair a fhágfaidh an long an calafort roimhe sin más turas níos lú ná fiche uair an chloig is fiche atá i gceist, nó

— murab eol an calafort cuarda nó má athraítear le linn an turais é, a luaithe is a bheidh an fhaisnéis sin ar fáil.

Cuirfidh an máistir an liosta/na liostaí in iúl do na gardaí teorann nó, má fhoráiltear dó sin sa dlí náisiúnta, d'údarás ábhartha eile a chuirfidh an liosta/na liostaí ar aghaidh chuig na gardaí teorann gan mhoill.

3.1.3. Déanfaidh na gardaí teorann nó na húdaráis dá dtagraítear i bpointe 3.1.2. daingniúchán a chur ar ais chuig an máistir go bhfuarthas an liosta/na liostaí (cóip shínithe den liosta/de na liostaí nó dearbhú leictreonach go bhfuarthas na liostaí) agus soláthróidh sé é arna iarraidh sin dó agus an long sa chalafort.

3.1.4. Déanfaidh an máistir aon athrú ar chomhdhéanamh an chriú nó ar líon na bpaisinéirí a thairiscíodon údarás inniúil gan mhoill.

Ina theannta sin, tabharfaidh an máistir fógra do na húdaráis inniúla gan mhoill, agus laistigh den teorainn ama a leagtar amach i bpointe 3.1.2., má tá folachánaithe ar bord. Fanann folachánaithe faoi fhreagracht an mháistir, áfach.

De mhaolú ar Airteagal 4 agus ar Airteagal 7, ní dhéanfar aon seiceálacha córasacha teorann ar dhaoine a bheidh ag fanacht ar bord. Mar sin féin, ní chuardóidh na gardaí teorann an long ná ní dhéanfaidh siad seiceálacha ar na daoine a bheidh ag fanacht ar bord ach amháin nuair a bheidh bonn cirt leis sin ar bhonn measúnaithe ar na rioscaí i dtaobh slándála inmheánaí agus inimirce mídhleathaí.

3.1.5. Tabharfaidh an máistir fógra don údarás inniúil faoi imeacht na loinge in am cuí agus i gcomhréir leis na rialacha a bheidh i bhfeidhm sa chalafort lena mbaineann.

▼ B3.2. *Specific check procedures for certain types of shipping*

Cruise ships

▼ M5

3.2.1. Cuirfidh máistir na loinge cúrsála clár taistil agus clár na cúrsála chuig an údarás inniúil, a luaithe a shuífear iad agus tráth nach déanaí ná tráth laistigh den teorainn ama atá leagtha amach i bpointe 3.1.2.

▼ B

3.2.2. If the itinerary of a cruise ship comprises exclusively ports situated in the territory of the Member States, by way of derogation from Articles 4 and 7, no border checks shall be carried out and the cruise ship may dock at ports which are not border crossing points.

▼ M5

Mar sin féin, ní dhéanfar seiceálacha ar chriú ná ar phaisinéirí na long sin ach amháin nuair a bheidh bonn cirt leis sin ar bhonn measúnaithe ar na rioscaí i dtaobh slándála inmheánaí agus inimirce mídhleathaí.

▼ B

3.2.3. If the itinerary of a cruise ship comprises both ports situated in the territory of the Member States and ports situated in third countries, by way of derogation from Article 7, border checks shall be carried out as follows:

- (a) where the cruise ship comes from a port situated in a third country and calls for the first time at a port situated in the territory of a Member State, crew and passengers shall be subject to entry checks on the basis of the nominal lists of crew and passengers, as referred to in point 3.2.4.

Passengers going ashore shall be subject to entry checks in accordance with Article 7 unless an assessment of the risks related to internal security and illegal immigration shows that there is no need to carry out such checks;

- (b) where the cruise ship comes from a port situated in a third country and calls again at a port situated in the territory of a Member State, crew and passengers shall be subject to entry checks on the basis of the nominal lists of crew and passengers as referred to in point 3.2.4 to the extent that those lists have been modified since the cruise ship called at the previous port situated in the territory of a Member State.

Passengers going ashore shall be subject to entry checks in accordance with Article 7 unless an assessment of the risks related to internal security and illegal immigration shows that there is no need to carry out such checks;

- (c) where the cruise ship comes from a port situated in a Member State and calls at such a port, passengers going ashore shall be subject to entry checks in accordance with Article 7 if an assessment of the risks related to internal security and illegal immigration so requires;

- (d) where a cruise ship departs from a port situated in a Member State to a port in a third country, crew and passengers shall be subject to exit checks on the basis of the nominal lists of crew and passengers.

▼B

If an assessment of the risks related to internal security and illegal immigration so requires, passengers going on board shall be subject to exit checks in accordance with Article 7;

- (e) where a cruise ship departs from a port situated in a Member State to such a port, no exit checks shall be carried out.

▼M5

Mar sin féin, ní dhéanfar seiceálacha ar chriú ná ar phaisinéirí na long sin ach amháin nuair a bheidh bonn cirt sin ar bhonn measúnaithe ar na rioscaí i dtaobh slándála inmheánaí agus inimirce mídhleathaí.

▼B

Pleasure boating

- 3.2.5. By way of derogation from Articles 4 and 7, persons on board a pleasure boat coming from or departing to a port situated in a Member State shall not be subject to border checks and may enter a port which is not a border crossing point.

However, according to the assessment of the risks of illegal immigration, and in particular where the coastline of a third country is located in the immediate vicinity of the territory of the Member State concerned, checks on those persons and/or a physical search of the pleasure boat shall be carried out.

- 3.2.6. By way of derogation from Article 4, a pleasure boat coming from a third country may, exceptionally, enter a port which is not a border crossing point. In that case, the persons on board shall notify the port authorities in order to be authorised to enter that port. The port authorities shall contact the authorities in the nearest port designated as a border crossing point in order to report the vessel's arrival. The declaration regarding passengers shall be made by lodging the list of persons on board with the port authorities. That list shall be made available to the border guards, at the latest upon arrival.

Likewise, if for reasons of *force majeure* the pleasure boat coming from a third country has to dock in a port other than a border crossing point, the port authorities shall contact the authorities in the nearest port designated as a border crossing point in order to report the vessel's presence.

- 3.2.7. During those checks, 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 that document shall be given to the authorities in the ports of entry and departure. As long as the vessel remains in the territorial waters of one of the Member States, a copy of that document shall be included amongst the ship's papers.

▼B

Coastal fishing

- 3.2.8. By way of derogation from Articles 4 and 7, the crews of coastal fisheries vessels which return every day or within 36 hours 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 country shall not be systematically checked. Nevertheless, the assessment of the risks of illegal immigration, in particular where the coastline of a third country is located in the immediate vicinity of the territory of the Member State concerned, shall be taken into account in order to determine the frequency of the checks to be carried out. According to those risks, checks on persons and/or a physical search of the vessel shall be carried out.
- 3.2.9. The crews of coastal fisheries vessels not registered in a port situated in the territory of a Member State shall be checked in accordance with the provisions relating to seamen.

▼M5**▼B**

Ferry connections

- 3.2.10. Checks shall be carried out on persons on board ferry connections with ports situated in third countries. The following rules shall apply:
- (a) where possible, Member States shall provide separate lanes, in accordance with Article 9;
 - (b) checks on foot passengers shall be carried out individually;
 - (c) checks on vehicle occupants shall be carried out while they are at the vehicle;
 - (d) ferry passengers travelling by coach shall be considered as foot passengers. Those passengers shall alight from the coach for the checks;
 - (e) checks on drivers of heavy goods vehicles and any accompanying persons shall be conducted while the occupants are at the vehicle. Those checks will in principle be organised separately from checks on the other passengers;
 - (f) to ensure that checks are carried out quickly, there shall be an adequate number of gates;
 - (g) so as to detect illegal immigrants in particular, random searches shall be made on the means of transport used by the passengers, and where applicable on the loads and other goods stowed in the means of transport;
 - (h) ferry crew members shall be dealt with in the same way as commercial ship crew members;
 - (i) pointe 3.1.2. (oibleagáid liostaí paisinéirí agus criú a chur isteach) – níl feidhm aige. Más gá liosta na ndaoine a bheidh ar bord a tharraingt suas i gcomhréir le Treoir 98/41/CE ón gComhairle an 18 Meitheamh 1998 maidir le clárú daoine atá ag taisteal ar bord long d'iompar paisinéirí a oibríonn trí dhul isteach i gcalafoirt Bhallstáit an Chomhphobail nó trí dhul amach astu⁽¹⁾, cuirfidh an máistir cóip den liosta sin ar aghaidh tráth nach déanaí ná tríocha nóiméad tar éis imeachta ó chalafoirt tríú tír chuig údarás inniúil an chalafoirt a dtiocfaidh an long i dtír ann i geríoch na mBallstát.

⁽¹⁾ IO L 188, 2.7.1998, lch. 35.

▼ M5

- 3.2.11. I gcás nach ndéanann bád farantóireachta a thioctaidh ó thrú tír, a stopfaidh níos mó ná uair amháin laistigh de chríoch na mBallstát, paisinéirí a thabhairt ar bord ach amháin don chéim dheireanach den turas laistigh den chríoch sin, beidh na paisinéirí sin faoi réir seiceála ar imeacht ag an gcalafort a n-imeoidh an bád uaidh agus faoi réir seiceála ar dhul isteach ag an gcalafort a dtiocfaidh sé i dtír ann.

Maidir le daoine a bheidh ar bord an bháid farantóireachta cheana féin ag na stopanna sin agus nár tháinig ar bord i gcríoch na mBallstát, déanfar seiceálacha orthu ag an gcalafort ina dtiocfaidh an bád farantóireachta i dtír. Beidh an nós imeachta malartach i bhfeidhm nuair is tríú tír í an tír is ceann scríbe.

Naisc lasta idir Ballstáit

- 3.2.12. De mhaolú ar Airteagal 7, ní dhéanfar aon seiceálacha teorann ar naisc lasta idir an dá chalafor chéanna, nó níos mó ná dhá chalafor, atá suite ar chríoch na mBallstát, nach stopfaidh ag calafort ar bith lasmuigh de chríoch na mBallstát agus arb é iompar earraí a bheidh i gceist leo.

Mar sin féin, ní dhéanfar seiceálacha ar chriú ná ar phaisinéirí na long sin ach amháin nuair a bheidh bonn cirt leis sin ar bhonn measúnaithe ar na rioscaí i dtaobh slándála inmheánaí agus inimirce mídhleathaí.

▼ B**4. Inland waterways shipping**

- 4.1. 'Inland waterways shipping involving the crossing of an external border' covers the use, for business or pleasure purposes, of all types of boat and floating vessels on rivers, canals and lakes.
- 4.2. 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 those persons who live on board shall be regarded as crew members or equivalent.
- 4.3. The relevant provisions of points 3.1 to 3.2 shall apply *mutatis mutandis* to checks on inland waterways shipping.

▼B*ANNEX VII***Special rules for certain categories of persons****1. Heads of State**

By way of derogation from Article 5 and Articles 7 to 13, Heads of State and the members of their delegation, whose arrival and departure have been officially announced through diplomatic channels to the border guards, may not be subject to border checks.

2. Pilots of aircraft and other crew members

2.1. By way of derogation from Article 5 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 may, in the course of their duties and on the basis of those documents:

(a) embark and disembark in the stop-over airport or the airport of arrival situated in the territory of a Member State;

(b) enter the territory of the municipality of the stop-over airport or the airport of arrival situated in the territory of a Member State;

(c) go, by any means of transport, to an airport situated in the territory of a Member State in order to embark on an aircraft departing from that same airport.

In all other cases, the requirements provided for by Article 5(1) shall be fulfilled.

2.2. Articles 6 to 13 shall apply to checks on aircraft crew members. Wherever possible, priority will be given to checks on aircraft crews. Specifically, they will be checked either before passengers or at special locations set aside for the purpose. By way of derogation from Article 7, crews known to staff responsible for border controls in the performance of their duties may be subject to random checks only.

3. Seamen**▼M5**

De mhaolú ar Airteagal 4 agus Airteagal 7, féadfaidh Ballstáit maraithe a mbeidh doiciméad aitheantais maraí acu, a eiseofar i gcomhréir le Coinbhinsiún na Maraithe de chuid na hEagraíochta Idirnáisiúnta Saothair maidir le Doiciméid Aitheantais, Uimh. 108 (1958) nó Uimh. 185 (2003), le Coinbhinsiún maidir le Muirthracht Idirnáisiúnta a Éascú (Coinbhinsiún FAL), nó leis an dlí ábhartha náisiúnta, a údarú le dul isteach i gcóir na mBallstát trí dhul i dtír chun fanacht i gceantar an chalafoirt chuarda nó i mbardais taobh leis, nó le himeacht ó chríoch na mBallstát trí dhul ar ais go dtí a gcuid long, gan iad féin a chur in iúl ag pointe trasnaithe teorann, ar choinníoll go mbeidh a n-ainmneacha ar liosta chríú na loinge a mbainfidh siad léi, liosta a bheidh curtha faoi bhráid na n-údarás inniúil cheana féin d'fhonn seiceálacha a dhéanamh.

Ar bhonn measúnaithe ar na rioscaí i dtaobh slándála inmheánaí agus inimirce mídhleathaí, áfach, beidh maraithe faoi réir seiceála ag na gardaí teorann, i gcomhréir le hAirteagal 7, sula rachaidh siad i dtír.

▼ B**4. Holders of diplomatic, official or service passports and members of international organisations**

- 4.1. In view of the special privileges or immunities they enjoy, the holders of diplomatic, official or service passports issued by third countries or their Governments recognised by the Member States, as well as the holders of documents issued by the international organisations listed in point 4.4 who are travelling in the course of their duties, may be given priority over other travellers at border crossing points even though they remain, where applicable, subject to the requirement for a visa.

By way of derogation from Article 5(1)(c), persons holding those documents shall not be required to prove that they have sufficient means of subsistence.

- 4.2. If a person presenting himself or herself at the external border invokes privileges, immunities and exemptions, the border guard may require him or her to provide evidence of his or her status by producing the appropriate documents, in particular certificates issued by the accrediting State or a diplomatic passport or other means. If he or she has doubts, the border guard may, in case of urgent need, apply direct to the Ministry of Foreign Affairs.

- 4.3. Accredited members of diplomatic missions and of consular representations and their families may enter the territory of the Member States on presentation of the card referred to in Article 19(2) and of the document authorising them to cross the border. Moreover, by way of derogation from Article 13 border guards may not 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 an alert has been entered in the SIS for such persons.

- 4.4. The documents issued by the international organisations for the purposes specified in point 4.1 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 Specialised Agencies adopted by the United Nations General Assembly on 21 November 1947 in New York,

— European Community (EC) *laissez-passer*,

— European Atomic Energy Community (Euratom) *laissez-passer*,

— legitimacy certificate issued by the Secretary-General of the Council of Europe,

— documents issued pursuant to paragraph 2 of Article III of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Force (military ID cards accompanied by a travel order, travel warrant, or an individual or collective movement order) as well as documents issued in the framework of the Partnership for Peace.

5. Cross-border workers

- 5.1. The procedures for checking cross-border workers are governed by the general rules on border control, in particular Articles 7 and 13.

▼B

5.2. By way of derogation from Article 7, cross-border workers who are well known to the border guards owing to their frequent crossing of the border at the same border crossing point and who have not been revealed by an initial check to be the subject of an alert in the SIS or in a national data file shall be subject only to random checks to ensure that they hold a valid document authorising them to cross the border and fulfil the necessary entry conditions. Thorough checks shall be carried out on those persons from time to time, without warning and at irregular intervals.

5.3. The provisions of point 5.2 may be extended to other categories of regular cross-border commuters.

6. Minors

6.1. Border guards shall pay particular attention to minors, whether travelling accompanied or unaccompanied. Minors crossing an external border shall be subject to the same checks on entry and exit as adults, as provided for in this Regulation.

6.2. In the case of accompanied minors, the border guard shall check that the persons accompanying minors have parental care over them, especially where minors are accompanied by only one adult and there are serious grounds for suspecting that they may have been unlawfully removed from the custody of the person(s) legally exercising parental care over them. In the latter case, the border guard shall carry out a further investigation in order to detect any inconsistencies or contradictions in the information given.

6.3. In the case of minors travelling unaccompanied, border guards shall ensure, by means of thorough checks on travel documents and supporting documents, that the minors do not leave the territory against the wishes of the person(s) having parental care over them.

▼M5

6.4. Ainmneoidh na Ballstáit pointí teagmhála náisiúnta i ndáil le comhairliúchán maidir le mionaoisigh, agus cuirfidh siad an Coimisiún ar an eolas faoin méid sin. Cuirfidh an Coimisiún liosta de na pointí teagmhála náisiúnta sin ar fáil do na Ballstáit.

6.5. I gcás ina bhfuil amhras ann maidir le haon cheann de na himthosca a leagtar amach i bpointí 6.1, 6.2 agus 6.3, bainfidh na gardaí teorann úsáid as liosta na bpointí teagmhála náisiúnta i ndáil le comhairliúchán maidir le mionaoisigh.

7. Seirbhísí tarrthála, póilíní, briogáidí dóiteáin agus gardaí teorann

Leagfar síos sa dlí náisiúnta agus, i gcás inarb infheidhme, i gcomhaontuithe déthaobhacha, na socrúithe maidir le dul isteach agus imeacht ball de sheirbhísí tarrthála, de na póilíní, briogáidí dóiteáin a bhíonn ag gníomhú i gcásanna éigeandála chomh maith le gardaí teorann a thrasnaíonn teorainn chun a gcúraimí proifisiúnta a fheidhmiú. Féadfaidh Ballstáit conarthaí déthaobhacha a thabhairt i gcrích le tríú tíortha maidir le dul isteach agus imeacht na gcatagóirí daoine sin. Féadfaidh na socrúithe sin agus na comhaontuithe déthaobhacha sin foráil a dhéanamh do mhaoluithe ar Airteagal 4, Airteagal 5 agus Airteagal 7.


8. Oibríthe amach ón gcósta.

De mhaolú ar Airteagal 4 agus Airteagal 7, ní dhéanfar seiceáil chórasach ar oibríthe amach ón gcósta faoi mar a shainmhínítear iad in Airteagal 2, pointe 18a, ar oibríthe iad a thiocfaidh ar ais go rialta ar muir nó trí aeriompar chuig críoch na mBallstát gan fanacht i gcríoch tríú tír.

Mar sin féin, cuirfear san áireamh measúnú ar na rioscaí i dtaobh inimirce midhleathaí, go háirithe i gcás ina mbeidh imeallbhord tríú tír suite go díreach in aice le hionad amach ón gcósta, d'fhonn minicíocht na seiceálacha a bheidh le déanamh a chinneadh.

▼ B

ANNEX VIII

Name of State	
Logo of State (Name of Office)	

_____	(¹)
APPROVAL OF THE EVIDENCE REGARDING THE RESPECT OF THE CONDITION OF THE DURATION OF A SHORT STAY IN CASES WHERE THE TRAVEL DOCUMENT DOES NOT BEAR AN ► ⁽¹⁾ ENTRY OR EXIT STAMP ◀	
On _____ at (time) _____ at (place) _____	
We, the undersigning authority, _____ have before us:	
Surname _____	First name _____
Date of birth _____	Place of birth _____ Sex: _____
Nationality _____	Resident in _____
Travel document _____	number _____
Issued in _____	on _____
Visa number _____	(if applicable) issued by _____
for a period of _____ days on the following grounds: _____	
Having regard to the evidence relating to the duration of his/her stay on the territory of the Member States that he/she) has provided, he/she) is considered to have ► ⁽¹⁾ entered or left ◀ the territory of the Member State _____ on _____ at _____ at the border crossing point _____	
Contact details of the undersigning authority:	
Tel _____	
Fax: _____	
e-mail: _____	
The person concerned will receive a copy of this document.	
Person concerned	Officer responsible + stamp
<div style="border: 1px solid black; width: 150px; height: 50px; margin: 0 auto;"></div>	<div style="border: 1px solid black; width: 150px; height: 50px; margin: 0 auto;"></div>

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