

MEPs give green light to a reformed Schengen Borders Code

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- Border controls reinstated as a last resort, with risk assessments
 - Total duration of border controls two years plus a possible one-year extension
 - Targeted rules for large-scale health-emergencies
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The European Parliament has adopted a reformed Schengen Borders Code.

The reform, adopted by the plenary with 311 votes in favour, 267 against, and 53 abstentions, aims to strengthen free movement within the Schengen area, clarify rules, and reduce the amount of [temporarily reinstated border controls](#) inside the zone.

Under the new rules, Schengen states can respond to a serious threat to public policy or internal security, for example involving terrorism, organised crime or sudden large-scale unauthorised movements of third-country nationals, by authorising temporary border controls of maximum two years, with a possible further prolongation of one year.

In the case of a public health emergency that concerns several members at a time, and puts at risk the functioning of the entire Schengen area, the Commission can authorise border controls in several states for periods of six months.

Before taking the decision to re-introduce border controls, the member state needs to assess the effectiveness, proportionality and side effects of such a decision, and after six months, draw up a risk assessment. When a state has notified others of its intention to reinstate border controls, the Commission can launch consultations between that state and its neighbours.

Targeted solution to address public health emergencies

To ensure a coherent response to large-scale health emergencies on the basis of experiences from the Covid-19 pandemic, the law foresees harmonised rules for entering the EU from third countries in such situations. This approach would exempt EU citizens and residents benefitting from free movement and essential travel from such restrictions.

As an alternative to border controls, the new rules would promote police cooperation in border regions. Where third-country nationals with irregular status are apprehended during joint patrols and there is evidence they have arrived directly from another EU country, these people may be transferred to the other EU country if it participates in joint patrols. In negotiations, MEPs successfully pushed for additional safeguards for transferring minors, whose best interests need to be taken into account by both parties to the transfer.

The reform also includes provisions for situations where third countries attempt to instrumentalise migration. Referring to the definition of instrumentalisation in [the Crisis situations regulation](#), it lays out procedures available to Schengen countries in these situations, including the temporary limiting or closure of border-crossing points while respecting the right to asylum and the free movement rights of EU citizens and long-term residents.

Quote

Rapporteur [Sylvie Guillaume](#) (S&D, France) said: "With this law, we are protecting the free movement of persons within the Schengen area, which is one of the EU's most cherished achievements. At the same time, we are responding to the challenges that the area has faced over the last ten years. We have insisted on clear and limited time lines for internal border controls, criteria for Member States to reintroduce them, and we have laid down harmonised procedures for the external borders in cases of future pandemics. I believe that this law will provide legal certainty and predictability on border controls both at our internal and external borders."

Background and next steps

In a [judgment in April 2023](#), the Court of Justice of the European Union ruled that border controls re-installed because of serious threats may not exceed six months, and can only be extended when a new threat arises, unless there are exceptional circumstances putting the overall functioning of the Schengen area at risk.

The provisional agreement still needs to be formally approved by the Council. Once published in the EU's Official Journal, it will enter into force twenty days later.

Further information

[Committee on Civil Liberties, Justice and Home Affairs](#)

[Agreed text](#)

[Procedure file](#)


[EP Research Service: Revision of the Schengen Borders Code \(April 2024\)](#)


[Multimedia centre: Schengen area](#)

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