



The Schengen Border: Changes on 21 December 2007 *(and then again on 30 March 2008)*

The timetable for the abolition of systematic border controls on persons moving between nine of the ten Member States which joined the EU on 1 May 2004 and the 'old' Member States (except the UK and Ireland) has now been published.

On *21 December 2007* land and sea border controls on persons will be lifted between:

- the Czech Republic, Estonia, Hungary, Latvia, Lithuania Malta, Poland, Slovakia and Slovenia and
- Austria, Belgium, Denmark, France, Finland, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the two associated countries: Iceland and Norway.

This means that persons of any nationality can cross these land and sea borders without a systematic check on their identity and passports. The Commission's press release emphasises that this applies to all persons who enter the Schengen area legally, though without internal controls at the borders this will be difficult to ascertain. Member States are allowed to continue police controls within their internal border zones (as established in national law).

The date was determined in order to facilitate border crossing among the new and old Member States for the Christmas period. This means that people in the old Member States who want to finish their Christmas shopping in one of the 2004 Member States can do so next weekend. People who want to go home to a 2004 Member State for Christmas should not encounter delays at the land and sea borders and questioning by immigration officers as to their residence in an old Member State.

Border controls at airports will not be lifted until 30 March 2008. The 2004 Member State which is left out is Cyprus on account of the difficulties regarding the exact position of its external border.

Third country nationals who have visas issued after 21 December 2007 in any of the Schengen states, new or old, will be entitled to access to the whole of the Schengen territory (for three months) unless their visa is specifically limited to the territory of the Member State which issued it. Short stay visas issued to third country nationals by the 2004 Member States before 21 December 2007 remain national visas only and do not give a right to free movement in the whole of the Schengen territory. Long stay visas issued by the 2004 Member States which are specified in the list of residence permits¹ established by article 2(15) of the Schengen Borders Code (Regulation 562/2006) have the right of free circulation with that permit for three months in the whole of the territory.

The Schengen Borders Code applies to all the Member States (except Denmark, Ireland and the UK but with the addition of Iceland, Norway and Switzerland) so when crossing an internal or external border of the EU third country nationals are entitled to:

¹ OJ 2006 C 247/1

- Respect for their human dignity (article 6(1));
- Non discrimination on the basis of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (article 6(2)).

Anyone crossing Schengen's external border, if refused entry, is entitled to:

- Precise reasons for the refusal (article 13(2));
- A substantiated decision in a standard form (written) (article 13(2));
- A right of appeal and information on how to exercise the right of appeal(article 13(3)).

There is a useful press release on the Commission's website about the changes to the internal and external borders of Schengen at:

http://ec.europa.eu/justice_home/faq/freetravel/doc/schengen_enlargement_faq_en.pdf

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