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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	31 October 2022
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2022) 7591 final
Subject:	COMMISSION RECOMMENDATION of 28.10.2022 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons and replacing Recommendation (C (2019) 7131 final)

Delegations will find attached document C(2022) 7591 final.

Encl.: C(2022) 7591 final



EUROPEAN
COMMISSION

Brussels, 28.10.2022

C(2022) 7591 final

COMMISSION RECOMMENDATION

of 28.10.2022

**establishing a common "Practical Handbook for Border Guards (Schengen Handbook)"
to be used by Member States' competent authorities when carrying out the border
control of persons and replacing Recommendation (C (2019) 7131 final)**

COMMISSION RECOMMENDATION

of 28.10.2022

establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons and replacing Recommendation (C (2019) 7131 final)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Commission Recommendation of 8 October 2019 C(2019)7131 established a "Practical Handbook for Border Guards (Schengen Handbook)" containing common guidelines, best practice and recommendations on border controls.
- (2) The Commission committed itself to ensuring regular updates of the Practical Handbook for Border Guards.
- (3) The Practical Handbook for Border Guards should be adjusted to reflect changes resulting from recent jurisprudence of the European Court of Justice, in particular the judgements in cases C-380/18, E.P.¹, C-341/18, Staatssecretaris van Justitie en Veiligheid² and C-754/18, Ryanair Designated Activity Company³.
- (4) The Practical Handbook for Border Guards should reflect recent legislative developments, such as the entry into force of Regulations (EU) 2018/1860⁴; (EU) 2018/1861⁵ and (EU) 2018/1862⁶ of the European Parliament and of the Council.
- (5) The Practical Handbook for Border Guards should incorporate changes resulting from the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.
- (6) The Practical Handbook for Border Guards should follow up to the announcement made in the 24 May 2022 Commission report as regards the reinforcement of checks against relevant databases at external borders (COM(2022)302final) and provide

¹ Judgement of the Court of Justice of 12 December 2019, C-380/18, ECLI:EU:C:2019:1071.

² Judgement of the Court of Justice of 5 February 2020, C-341/18, ECLI:EU:C:2020:76.

³ Judgement of the Court of Justice of 18 June 2020, C-754/18, ECLI:EU:C:2020:478.

⁴ Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p.1).

⁵ Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p.14).

⁶ Regulation of the European Parliament and of the Council on the establishment, operation and use of the SIS in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p.56).

further guidance on the provisions of Articles 8(2a) of Regulation (EU) 2016/399 of the European Parliament and of the Council (Schengen Borders Code)⁷ (temporary reduction to targeted checks) and Article 9 of that Regulation (Relaxation of border checks).

- (7) The Practical Handbook should provide for harmonised guidance on entry/exit checks on cruise ships, ferries and pleasure boats as well as on emergency stopovers of planes, in the context of the upcoming start of the application of Regulation (EU) 2017/2226 of the European Parliament and of the Council⁸.
- (8) The Practical Handbook for Border Guards should take into account practical experiences and lessons learned during the recent Covid crisis and reflect this in updated guidelines on the notion of 'threat to public health' for the purpose of refusing entry to the territories of the Member States.
- (9) Recommendation C(2019)7131 final should therefore be replaced,

HEREBY RECOMMENDS:

Member States should instruct their national authorities competent for carrying out border control on persons to use the annexed Practical Handbook for Border Guards as the main tool when performing their border control tasks.

Recommendation of 8 October 2019 (C(2019)7131 final) is replaced by this Recommendation.

⁷ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

⁸ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

Done at Brussels, 28.10.2022

For the Commission
Ylva Johansson
Member of the Commission

