MANAGEMENT OF THE EXTERNAL BORDERS

The EU's border management policy has needed to adapt to significant developments, such as the unprecedented arrival of refugees and irregular migrants, and since mid-2015, a series of shortcomings in EU policies on external borders and migration have come to light. The challenges linked to the increase in mixed migration flows into the EU, the COVID-19 pandemic and heightened security concerns have triggered a new period of activity in EU external border protection, which also has an impact on its internal borders.

LEGAL BASIS

Article 3(2) of the Treaty on European Union (TEU);

Articles 67 and 77 of the Treaty on the Functioning of the European Union (TFEU).

OBJECTIVES

A single area without internal border checks — the Schengen Area — also requires a common policy on external border management. Article 3(2) TEU calls for 'appropriate measures with respect to external border controls'. The EU therefore aims to establish common standards for controls at its external borders, and to gradually put in place an integrated system for managing them.

ACHIEVEMENTS

The first step towards a common external border management policy was taken on 14 June 1985 when five of the then ten Member States of the European Economic Community signed an international treaty, the so-called Schengen Agreement, near the Luxembourgish border town of Schengen, which was supplemented five years later by the Convention implementing the Schengen Agreement. The Schengen Area, the borderless zone created by the Schengen *acquis* (as the agreements and rules are collectively known), currently comprises 29 European countries[1].

A.   The Schengen external borders acquis

Today's Schengen external borders *acquis* builds on the original *acquis* incorporated into the EU legal order by the Treaty of Amsterdam (1.1.3). Its rules can be found across a broad range of measures, which can be roughly divided into the following topics:

1.   The Schengen Borders Code

The Schengen Borders Code is the central pillar of external border management. It lays down rules on external border crossings and conditions governing the temporary reintroduction of internal border checks. It obliges Member States to carry out systematic checks against relevant databases on all persons, including those with the

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[1]The countries do not include EU Member States Cyprus and Ireland. The Schengen Area does, however, include four non-EU Member States: Iceland, Switzerland, Norway and Liechtenstein. Denmark has an opt-out from Title V of the TFEU (Protocol 22), but takes part on an intergovernmental basis.

European Parliament

right to free movement under EU law (i.e. EU citizens and members of their families who are not EU citizens) when they cross the external borders. The databases used for checks include the Schengen Information System (SIS) and Interpol's database on stolen and lost travel documents. These obligations apply at all external borders (air, sea and land), both for entry and exit.

On 10 July 2024, the most recent reform of the Schengen Borders Code, Regulation (EU) 2024/1717, came into force. This reform introduces measures to address challenges such as the instrumentalisation of migration and public health emergencies. In the case of health emergencies, it allows for the introduction of harmonised temporary travel restrictions at the EU's external borders, following a Council decision. In instances of migration instrumentalisation, Member States can limit the number of border crossing points or reduce their opening hours. The revision also clarifies the existing framework for the reintroduction and prolongation of internal border controls in the event of serious threats. Additionally, it aims to enhance coordination and information exchange among Member States, ensuring a more resilient and responsive framework for managing the Schengen area.

The Schengen Evaluation Mechanism, Council Regulation (EU) No 1053/2013, entered into force in November 2014 and established a five-year multiannual evaluation programme for the period up to 31 December 2019. This mechanism was intended to examine all components of the Schengen *acquis*, including by reviewing and assessing how Member States carry out external border controls, as well as all relevant laws and operations. The mechanism pays particular attention to respect for fundamental rights. Evaluations can also cover related measures pertaining to external borders, visa policy, police and judicial cooperation (for criminal issues), SIS and data protection. Council Regulation (EU) No 1053/2013 was repealed by Council Regulation (EU) 2022/922. The updated Schengen Evaluation Mechanism increases efficiency, fosters political dialogue on the results of evaluations and strengthens the evaluation of the respect for fundamental rights.

2. The Schengen Information System (SIS)

SIS is an information sharing system and database that helps to ensure international security in the Schengen area, where there are no internal border checks. It is the EU's most widely used and efficient IT system in the area of freedom, security and justice (4.2.1). Authorities across the EU use SIS to input or consult alerts for wanted or missing people and objects. It contains over 80 million alerts, and authorities consulted it over 5 billion times in 2017, with more than 240 000 hits for foreign alerts (alerts issued by another country). SIS has recently been reinforced by updated rules that will address potential gaps in the system and introduce several essential changes to the types of alert entered.

After the reform in 2018, the scope of SIS is now defined in three legal instruments, which take the form of three separate regulations (replacing SIS II):

— Police and judicial cooperation in criminal matters;

— Border checks;

— The return of illegally staying third-country nationals.

These three regulations create categories of alert in the system, such as on unknown suspects or wanted persons, preventive alerts for children at risk of parental abduction, for the purpose of return and an alert in relation to return decisions issued to illegally staying third-country nationals.

3. Border Management and Visa Instrument (BMVI)

Not all EU Member States have external borders, and not all are equally affected by border traffic flows. The EU therefore allocates funds to attempt to offset some of the costs for the Member States whose own borders are also the EU's external borders. The Border Management and Visa Instrument (BMVI) within the Integrated Border Management Fund totals to an amount of EUR 7.92 billion for the period 2021-2027. Improving border controls, providing efficient visa services, as well as investing in IT systems, infrastructure and operational support can be funded through the BMVI.

4. The Entry/Exit System (EES)

The Entry/Exit System (EES) is an information system that speeds up and reinforces border checks for non-EU nationals travelling to the EU. The EES replaces the manual stamping of passports at the border with electronic registration in the database.

The main objectives of the EES are:

— Reducing border check times and improving the quality of border checks by automatically calculating the authorised stay for each traveller;

— Ensuring systematic and reliable identification of over-stayers;

— Strengthening internal security and assisting the fight against terrorism by allowing law enforcement authorities access to travel history records.

Access to the EES is granted to national law enforcement authorities and Europol, but not to asylum authorities. The possibility of transferring data for law enforcement or return purposes to third countries and EU Member States not participating in the EES is provided for, but under certain conditions. The EES records travellers' data (name, type of travel document, fingerprints, visual image and the date and place of entry and exit) when crossing Schengen external borders. It is used for all non-EU nationals, both those who require a visa and those who are exempt. It is also used by consular and border authorities.

The EES started operating on 12 October 2025 and will be rolled out progressively over a period of 6 months, until 9 April 2026. The EU agency eu-LISA is responsible for developing and managing the system. Once the EES is fully operational, the EU can launch its European Travel Information and Authorisation System (ETIAS) six months later.

5. Visa Suspension Mechanism

The Visa Suspension Mechanism (VSM) is set out in Visa Regulation (EU) 2018/1806. On 7 October 2025, the European Parliament backed a revision of the VSM. This mechanism enables the EU to temporarily reintroduce visa requirements for nationals of certain non-EU countries in the event of security concerns. New grounds for visa suspension include hybrid threats, investor citizenship schemes raising security concerns, a lack of alignment with EU visa policy, violations of the UN Charter,

international human rights or humanitarian law by a non-EU country, and failure to comply with international court decisions.

6. The European Border and Coast Guard Agency (Frontex)

The European Border and Coast Guard (EBCG) is the European Border and Coast Guard Agency (EBCGA/Frontex) and the national authorities combined.

The EBCG became operational in October 2016. This decentralised agency is in charge of monitoring the EU's external borders and, together with the Member States, identifying and addressing any potential security threats to the EU's external borders. For some years before 2015, Parliament had called for the role of Frontex to be enhanced in order to increase its capacity to respond more effectively to changing migration flows. For instance, in paragraph 74 of its resolution of 2 April 2014 on the mid-term review of the Stockholm Programme, Parliament called for European border guards to guard Schengen borders. In its conclusions of October 2015, the European Council also expressed its support for the 'gradual establishment of an integrated management system for external borders'. Parliament insisted that the agency's new powers to intervene be activated by a decision of the Member States in the Council, and not by a Commission decision, as originally proposed. The regulation extends the scope of the activities of EBCGA/Frontex to include enhanced support for Member States in the field of migration management, the fight against cross-border crime, and search and rescue operations. It provides for a greater role for Frontex in returning migrants to their countries of origin, acting in accordance with decisions taken by national authorities. On the basis of a Commission proposal, the Council may ask the agency to intervene and assist Member States in exceptional circumstances. This is the case when:

— A Member State does not comply (within a set time limit) with a binding decision of the agency's management board to address vulnerabilities in its border management; and

— There is specific and disproportionate pressure on the external border that is putting the functioning of the Schengen area at risk. If a Member State opposes a Council decision to provide assistance, the other EU countries may temporarily reintroduce internal border checks.

In November 2019, the agency was strengthened with a new mandate and its own means and powers to protect external borders, carry out returns more effectively and cooperate with non-EU countries. The centrepiece of this reinforced agency will be a standing corps of 10 000 border guards with executive powers to support Member States at any time. It also has a stronger mandate on returns and cooperates more closely with non-EU countries, including those beyond the EU's immediate neighbourhood. According to the Commission's internal security strategy, ProtectEU, of April 2025, the Commission plans to propose legislation to reinforce Frontex's role and tasks in 2026, while tripling the Frontex personnel to 30 000 over time.

B. Developments in the EU's management of its external borders

The pace of change has increased with the large-scale loss of life in the Mediterranean over recent years, together with the huge influx of refugees and migrants since September 2015.

Prior to the refugee crisis of 2015, only three EU countries had resorted to erecting fences at external borders to prevent migrants and refugees from reaching their territories: Spain (building work completed in 2005, extensions added in 2009), Greece (completed in 2012) and Bulgaria (in response to Greece's fence, completed in 2014). Since 2015, an increasing number of Member States have gradually started building border walls or fences. Article 14(2) of the Schengen Borders Code stipulates that 'entry may only be refused by a substantiated decision stating the precise reasons for refusal'. As of December 2023, border fences covered 1 552 km, which represents 16% of the EU's external land border. Member States have put up barriers with non-EU countries (notably with Belarus, Morocco and Russia), including pre-accession candidates (the Republic of North Macedonia, Serbia and Türkiye). Fences have also been built within the Schengen area, such as the fence between Austria and Slovenia, while Spanish practices in Melilla have come under scrutiny from the European Court of Human Rights in Strasbourg. Atrocities committed in areas where fences are erected are documented by human rights organisations.

The International Organization for Migration's Missing Migrants Project has recorded more than 32 000 deaths and disappearances during migration journeys to Europe since 2014.

1. European Travel Information and Authorisation System (ETIAS)

In September 2018, the European Travel Information and Authorisation System (ETIAS) was established.

The purpose of this centralised information system is to collect information on non-EU nationals who do not require a visa to enter the Schengen area, and to identify any potential security or irregular migration risks. ETIAS has three main functions:

— Verifying information submitted online by visa-exempt non-EU nationals before they travel to the EU;

— Processing applications by checking them against other information systems (such as SIS, the Visa Information System (VIS), Europol's database, Interpol's database, the EES and Eurodac, and the European Asylum Dactyloscopy Database, which allows fingerprint datasets to be compared);

— Issuing travel authorisations when no hits or elements requiring further analysis are identified.

The database will be similar to existing systems already in place, for example in the USA (Electronic System for Travel Authorization), Canada and Australia, among others.The advantages of ETIAS include reduced delays at borders, improved internal security, better prevention of illegal immigration and reduced public health risks. Although the system will conduct prior checks, the final decision on whether to grant or refuse entry, even in cases where the person has a valid travel authorisation, will be taken by the national border guards conducting the border controls, acting in accordance with the rules of the Schengen Borders Code. Travel authorisations should be obtained in a matter of minutes.

In June 2017, the Council decided to split the proposal into two distinct legal acts, ((EU) 2018/1240 and (EU) 2018/1241), because the proposal's (Schengen) legal basis

Fact Sheets on the European Union - 2026
www.europarl.europa.eu/factsheets/en
5
European Parliament

could not cover amendments to the Europol Regulation. ETIAS is developed by the eu-LISA agency, and was supposed to be adopted by the end of 2025, but on 5 March 2025, EU home affairs ministers approved an updated schedule for implementing the EES and ETIAS. ETIAS is expected to launch in the final quarter of 2026, six months after the EES becomes fully operational.

2. eu-LISA

Established in 2011, eu-LISA is responsible for the operational management of several EU centralised information systems in the area of justice and home affairs: SIS, VIS, Eurodac and EES. It also develops new large-scale IT systems, such as ECRIS-TCN and ETIAS. In November 2019, the mandate of eu-LISA was revised and the agency's capacity to contribute to border management, law enforcement cooperation and migration management in the EU was further developed.

The agency is committed to maintaining interoperability and adherence to data protection regulations across all systems under its management, while also enabling secure and efficient access to EU-level information for national authorities. Additionally, Iceland, Liechtenstein, Norway and Switzerland have formalised agreements to participate as associated states with eu-LISA.

3. Interoperability between EU information systems in the field of borders

The EU has been developing large-scale centralised IT systems (SIS, VIS, Eurodac, EES, ETIAS and ECRIS-TCN) for collecting, processing and sharing information that is vital for security cooperation, and for managing external borders and migration. Since 2019, these information systems have been interoperable at EU level, i.e. able to exchange and share data so that the authorities have all the information they need, whenever and wherever they need it. Interoperability means the ability of information technology systems to share information and knowledge, so as to avoid gaps in information caused by the complexity and fragmentation of these systems.

The two regulations in force ((EU) 2019/817 and (EU) 2019/818) allow the systems to complement each other, help facilitate the correct identification of persons and contribute to fighting identity fraud. They do not modify the rights of access as set out in the legal basis for each European information system, but establish:

— A European search portal, which would allow competent authorities to search multiple information systems simultaneously, using both biographical and biometric data;

— A shared biometric matching service, which would enable the search and comparison of biometric data (fingerprints and facial images) from several systems;

— A common identity repository, which would contain the biographical and biometric data of third-country nationals currently stored in several different EU information systems;

— A multiple identity detector, which checks whether the biographical identity data contained in the search exists in other systems, to enable the detection of multiple identities linked to the same set of biometric data.

4. The COVID-19 pandemic

Restrictions on international and intra-EU movements of persons became one of the most visible policy responses to the COVID-19 pandemic from early March 2020 onwards. Several EU Member States shut down international passenger transport, then followed this up with additional EU international travel restrictions involving the partial closure of the EU's external borders and restriction of entry into the EU from third countries[2], as well as restrictions on the movement of persons within the EU[3]. In numerous cases, this had an arbitrary, ineffective and discriminatory character and was in violation of privacy and asylum laws, as evidenced in studies commissioned by Parliament.

5. Ukraine crisis

Following Russia's invasion of Ukraine in February 2022, over 6 million people have been forced to seek refuge, mostly in neighbouring countries. The European Union decided to grant EU-wide temporary protection to people arriving from Ukraine. The EU Temporary Protection Directive enables EU Member States to act quickly to offer protection and rights to people in need of immediate protection. In June 2024, the Council adopted a decision to extend the temporary protection until 4 March 2026 for more than 4 million Ukrainians fleeing Russia's war of aggression.

ROLE OF THE EUROPEAN PARLIAMENT

In the past, Parliament has had mixed reactions to the development of external border management policy. It has broadly supported the upgraded organisational role of EBCGA/Frontex and the other relevant Union agencies, often calling for their role to be further enhanced as the EU grapples with the migration crisis in the Mediterranean. While Parliament's view of the EBCGA's development has been largely positive, its stance on smart borders has been more cautious. Its reaction to the 2013 Commission proposal was to express misgivings about the huge technological build-up and mass processing of personal data proposed for external borders. Moreover, the anticipated costs of Smart Borders technology, coupled with doubts surrounding its benefits, left Parliament with a number of concerns. In its resolution of 12 September 2013 on the second report on the implementation of the EU Internal Security Strategy, Parliament stated that 'new IT systems in the area of migration and border management, such as the Smart Borders initiatives, should be carefully analysed, especially in the light of the principles of necessity and proportionality'. It followed this up with an oral question to the Commission and the Council in September 2015, asking for their stance on law enforcement access to the system, and their views on the relevance of the Court of Justice of the European Union's ruling of April 2014 on the Data Retention Directive (see 4.2.8). In its resolution on the annual report on the functioning of the Schengen area, Parliament called on Member States, including those with no external land borders, to ensure a high level of control at their external borders by allocating sufficient resources through staffing, equipment and expertise, establishing the necessary command and control for safe, orderly and fluent border crossings.

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[2]See the 'Joint statement of the Members of the European Council', Brussels, 26 March 2020.
[3]Tell Cremades, M., *Studies with a 'Covid 19 angle'*, European Parliament Directorate-General for Internal Policies, Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, June 2021.

Fact Sheets on the European Union - 2026
www.europarl.europa.eu/factsheets/en
7
European Parliament

Parliament has also insisted on the need for all action in this field to take due account of the EU's borders and asylum *acquis*, as well as the EU Charter of Fundamental Rights. Thus, for some time, Parliament has been calling for reliable and fair procedures and for a holistic approach to migration at EU level. It plays an active role in monitoring the application of and compliance with the Schengen *acquis*. The Working Group on Schengen Scrutiny of Parliament's LIBE Committee liaises with the Commission and the Council at the relevant stages of the evaluation and monitoring process, such as the final evaluation report, the recommendations adopted and the action plan.

On the COVID-19 pandemic, Parliament adopted a resolution in June 2020 on the situation in the Schengen area following the COVID-19 outbreak, in which it deplored the fact that it had been uninformed. It recalled that any temporary travel restrictions applying to all non-essential travel from third countries to the Schengen area or decisions on refusal of entry at external borders need to be in accordance with the provisions of the Schengen Borders Code. A study commissioned by Parliament highlighted that the restrictions introduced in response to the pandemic were subject to highly evolving and rapid changes, leading to profound legal uncertainty for individuals and negative repercussions for EU rights and freedoms. Another study pointed to the extensive use of biometric AI technologies by the Member States for the purposes of large-scale surveillance of migrants.

In its resolution of 1 March 2022, Parliament welcomed the activation of the Temporary Protection Directive for the first time since it entered into force in 2001. On 9 March 2022, MEPs called for the EU to introduce a proper migration system that shares responsibility for refugees. On 4 April 2023, Parliament's LIBE Committee adopted a report on the proposal for a regulation of the European Parliament and of the Council addressing situations of crisis in the field of migration and asylum, and on 14 April 2023 it adopted a report on the proposal for a regulation of the European Parliament and of the Council introducing a screening of third-country nationals at the external borders, as well as a report on the proposal for a regulation of the European Parliament and of the Council on asylum and migration management.

On 10 April 2024, Parliament debated and adopted ten legislative texts to reform European migration and asylum policy. On 24 April 2024, Parliament adopted its position on amending the Schengen Borders Code in order to boost the Schengen area's resilience to serious threats and to adapt the Schengen rules to evolving challenges.

Visit the European Parliament home page on Schengen.

This fact sheet was prepared by the Policy Department for Justice, Civil Liberties and Institutional Affairs.

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