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2025.57 Application of EU rules on carriers' liability in Member States [Part 1: framework, sanctions and penalties]

**European Migration Network
Ad-hoc query**

December, 2025

AD-HOC QUERY ON 2025.57 APPLICATION OF EU RULES ON CARRIERS' LIABILITY IN MEMBER STATES [PART 1: FRAMEWORK, SANCTIONS AND PENALTIES]

REQUESTED BY EUROPEAN COMMISSION ON 20 OCTOBER 2025

Exported for: Unrestricted Dissemination

Responses from: EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden **(22 in total)**

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BACKGROUND INFORMATION

The issue of carrier's liability is regulated by Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51. These EU/Schengen legal acts oblige Member States to incorporate rules in their national law that oblige carriers which transport travelers by air, sea, or by coach to the Schengen area to take all the necessary measures to ensure that a third country national carried is in possession of the travel documents required for entry into the territories of the Schengen States. Carriers must be obliged to assume responsibility and transport back passengers who were refused entry and penalties have to be imposed on carriers which transport aliens who do not possess the necessary travel documents. Carriers' liability is an

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important tool for countering irregular migration and smuggling and it is considered useful to gain an up-to date picture of its application in Member States based on a number of targeted questions, in view of the upcoming Global Alliance conference in December 2025. You are kindly requested to provide replies to these questions by 14 November 2025. Results of the questionnaire will serve as background information during the preparations of 2nd International Conference on a Global Alliance to counter migrant smuggling scheduled for 10 December 2025. Therefore, receiving of replies in mid-November is crucial for the process.

Considering the number of questions and the short timeframe, answering all three AHQs [Part 1, Part 2 and Part 3] should be counted as 6 ad-hoc-queries for reporting purposes.

WE WOULD LIKE TO ASK THE FOLLOWING QUESTIONS:

We would very much appreciate your responses by **14 November 2025**.


1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?
2. Which national authorities are in charge of enforcing the above measures?
3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]
4. What was the range of fines imposed?

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5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?
6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?
7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]
8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]
9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]
10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

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RESPONSES

		Unrestricted Dissemination ?	
	EMN NCP Austria	Yes	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>In Austria, the obligations of carriers and the penalties imposed on them are regulated by the Aliens Police Act 2005.</p> <p>Obligations of carriers: Pursuant to Art. 111 para. 1 of the Aliens Police Act 2005, carriers are obliged to take all necessary measures to ensure that passengers have the travel documents required for entry into the federal territory and, if necessary, authorization to enter the country. Carriers are also obliged to record the identity details of the persons they are transporting; the details of the documents required for their entry; the original place of departure; the time of departure and arrival; the border crossing point for entry into the federal territory; the total number of persons transported on the relevant transport service and, in the case of transport by air, the transport code number, and to keep this information available for 48 hours after the arrival of the means of transport for the purpose of providing information to the border control authority and to disclose it to the latter immediately and free of charge upon request. The carriers must then destroy the data (Art. 111 para. 2 Aliens Police Act 2005). Carriers who bring persons</p>

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into Austria across the external border by air or watercraft are obliged to transmit the data to the border control authority in advance, free of charge, upon request, as soon as the passenger-related formalities have been completed (Art. 111 para. 3 Aliens Police Act 2005). If an alien who has been brought to Austria by air, land, or water transport is refused entry, the carrier is obliged to ensure the immediate departure of that person at its own expense (Art. 111 para. 4 Aliens Police Act 2005). If the carrier is unable to arrange for the immediate departure of the rejected person, the carrier is obliged to find a return transport option without delay and to bear the costs thereof or, if the return transport cannot be arranged immediately, to bear the costs of the stay and return journey of the foreign national (Art. 111 para. 5 Aliens Police Act 2005).

Sanctions against carriers:

Failure to comply with the obligations of carrier pursuant to Art. 111 para. 1, 2, and 3 Aliens Police Act 2005 constitutes an administrative offense and is punishable by a fine of between €5,000 and €15,000. No sanctions shall be imposed if asylum or subsidiary protection is granted to the alien under the Asylum Act 2005 or if it is determined that the return or deportation of the alien is not permissible due to the prohibition of refoulement (Art. 112 para. 2 Aliens Police Act 2005).

The corresponding national provisions can be found in Art. 111 and 112 of the Aliens Police Act 2005 (FPG). Pursuant to Art. 111 Aliens Police Act, carriers are obliged to ensure that persons they transport across the external border to Austria by air or water or by bus as part of international scheduled services have the required travel documents and, if necessary, a visa.

Violations of these obligations constitute administrative offences according to § 112 FPG and can be punished with fines of € 5.000 to € 15.000.

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On 4 June 2024, the Administrative Court (Verwaltungsgerichtshof, VwGH) issued a ruling (Ra 2021/17/0172-9) on the subject of sanctions against carriers. It states that sanctions pursuant to Art. 111 and 112 of the Aliens Police Act (FPG) may no longer be imposed. An administrative offence within the meaning of Art.112 Para. 1 No. 1 Aliens Police Act only exists if a stranger was brought to Austria by a carrier without a travel document and without a visa. The existence of one of the elements of the offence is therefore not sufficient to fulfil the elements of the offence in question.

The Provincial Police Directorates have also been instructed by an order to no longer impose sanctions on airlines. An amendment to the respective legislation has been drafted and is awaiting its adoption by the Parliament.

Source: Ministry of the Interior

2. Which national authorities are in charge of enforcing the above measures?

The public security authorities are responsible for enforcement (Art. 3 para. 1 Aliens Police Act 2005).

The implementation of the above-mentioned procedures falls under the 14th main section of the Aliens Police Act and is therefore the responsibility of the respective Provincial Police Directorates ("Landespolizeidirektion" LPD). In this context, the airport's police departments act as an extended arm of the Provincial Police Directorate. All carriers have legal protection through the possibility of lodging an appeal against the Provincial Police Directorates penal judgement with the competent Provincial Administrative Court

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("Landesverwaltungsgerichtshof" LVwG). There is also the possibility of an appeal to the Administrative Court ("Verwaltungsgerichtshof" VwGH).

Source: Ministry of the Interior

3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

Since Austria has only 6 international airports, only statistics on these can be provided. See attachment.

Source: Ministry of the Interior

4. What was the range of fines imposed?

See attachment.

Source: Ministry of the Interior

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5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?

See attachment.

Source: Ministry of the Interior

6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?

No.

Source: Ministry of the Interior

7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

None.

Source: Ministry of the Interior

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8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

None.

Source: Ministry of the Interior


9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

None.

Source: Ministry of the Interior

10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

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			<p>None. --- Source: Ministry of the Interior</p>
	EMN NCP Belgium	Yes	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>- Belgian Act of 15 December 1980 on the entry into the territory, residence, settlement and removal of foreign nationals. (Art. 74/2 – 74/4bis): https://www.ejustice.just.fgov.be/cgi/article.pl?language=fr&sum_date=2025-10-21&dt=Koninklijk+besluit&ddd=2006-12-19&choix1=en&choix2=en&fr=f&nl=n&du=d&trier=afkondiging&lg_txt=f&pd_search=2007-01-12&s_editie=&numac_search=2006015182&caller=list&2006015182=7&view_numac=2006015182nx2006015182f</p> <p>- Royal Decree of 14 January 1993 laying down detailed rules for the reimbursement of the costs of accommodation, residence and health care referred to in Article 74/4, §§ 3 and 4 of the Act of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals: https://www.ejustice.just.fgov.be/cgi_loi/article.pl?language=fr&lg_txt=f&type=&sort=&numac_search=&cn_search=1993011431&caller=eli&&view_numac=1993011431nl</p> <p>- Royal Decree of 19 December 2006 laying down the detailed procedure for organised repatriation provided for in Article 74/4, § 4, of the Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals:</p>

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https://www.ejustice.just.fgov.be/cgi/article.pl?language=fr&sum_date=2025-10-21&dt=Koninklijk+besluit&ddd=2006-12-19&choix1=en&choix2=en&fr=f&nl=n&du=d&trier=afkondiging&lg_txt=f&pd_search=2007-01-12&s_editie=&numac_search=2006015182&caller=list&2006015182=7&view_numac=2006015182N

General remark for all questions: Belgium is only faced at the external border with air carriers and maritime carriers. We do not have any international trains on which we perform Schengen immigration entry checks, nor do we have coaches arriving at our external border.

2. Which national authorities are in charge of enforcing the above measures?

- Public Prosecutor's Office and the Criminal Court: for criminal penalties (see also Articles 74/2 – 74/3 of the Belgian Immigration Act of 15 December 1980)
- Belgian Immigration Office: for other cases, possibly with assistance from the 'Administration du Cadastre, de l'Enregistrement et des Domaines' of the Federal Public Service Finances (for collection of administrative fines, see Article 74/4bis, § 6 of the Belgian Immigration Act of 15 December 1980)

3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

2023: 368 (carriers who have a Protocol with the Immigration Office) + 67 (carriers who don't



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			<p>have a Protocol with the Immigration Office) = 435 fines 2024: 307+71 = 378 fines 2025 (up until 30.09.2025): 240 + 61 = 301 fines We don't keep separate statistics for air versus sea borders, but a very large majority is air border-related.</p> <p>4. What was the range of fines imposed?</p> <p>Carriers who do not have a Protocol with the Immigration Office (see question 6): standard fine of 5.000 EUR per person</p> <p>Carriers who do have a Protocol with the Immigration Office: the fines are 2.000, 3.000, 4.000 or 5.000 EUR per person. The exact amount of the fine per case depends on the number of not correctly documented INAD's (inadmissible passengers) the carrier had in that month.</p> <p>5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?</p> <p>According to Belgian law, fines can only be given to transporters when a passenger arrives without a valid passport/valid visa/valid residence permit or in situations of overstay 90/180 days.</p> <p>For other reasons of refusal of entry, such as SIS-alerts or unclear travel purpose, no fines can be imposed on the carriers.</p>
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			<p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>Belgian law provides for the possibility of concluding a Protocol Agreement between the Immigration Office and a carrier.</p> <p>Through this protocol, the carrier declares its willingness to comply quickly and decisively with all legal obligations, for example, in terms of boarding control, the cooperation in the removal of INADs and ANADs (Accompanied INAD – an inadmissible passenger who is accompanied during his return) and the payment of the fines/ costs of stay. The protocol agreement may be terminated unilaterally if the carrier fails to fulfill its obligations in practice. This protocol system provides for a cascade system of fines that are lower than the standard fine of 5.000 EUR.</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>0</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p>
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			<p>0</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>0</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>0</p>
	EMN NCP Bulgaria	No	Response is marked as EMN Sensitive
	EMN NCP Croatia	Yes	1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?

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			<p>The Aliens Act (133/20, 114/22, 151/22, 40/25) in Article 52 provides the obligations of carriers, as follows:</p> <p>A carrier may take a third-country national to a border crossing point or to the Republic of Croatia if a third-country national is in possession of a valid travel document or other document for crossing the state border, a valid visa, if required, or a residence permit or a valid travel authorisation, if required.</p> <p>If a third-country national is refused entry, the carrier that brought him shall immediately take him from the border crossing point or from the Republic of Croatia and bear the costs of the transport. If this is not possible, the carrier shall find another way of transportation and bear the costs thereof. If another way of transportation is not possible immediately, the carrier shall assume the costs incurred during the third-country national's stay and return. A carrier that has brought a third-country national to the Republic of Croatia on an internal flight who does not meet the conditions for residence in the Republic of Croatia is obligated to take him or her out of the Republic of Croatia without delay and at its own expense, and if this is not possible, the carrier is obligated to find another means of transport at its own expense or, if another means of transport is not possible, cover the costs that occur during the stay and departure of the third-country national. A carrier who has brought a third-country national who does not meet the conditions for residence, who has made an application for international protection at the border crossing point or has made an application for international protection when already on the territory of the Republic of Croatia, in the event that his or her international protection has been revoked is obligated to take him or her from the border crossing point or from the Republic of Croatia at his or her own expense within three years. If this is not possible, the carrier is obligated to find another means of transport at his or her own expense or, if another means of transport is not immediately possible, cover the costs that occur during the stay and departure of the third-country national. The provision of paragraph 1 of this Article also applies to a carrier who transported a third-country national in</p>
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transit: 1. if the carrier who was supposed to transport him to the country of destination refused to transport him or 2. if he was prohibited from entering the country of destination. The provisions of this Article also apply to the captain of a sports and leisure, except for the provisions of paragraph 7 of this Article. The carrier is obligated to check in the ETIAS system whether a third country national who is exempt from the visa requirement holds a valid travel authorization. A return order shall be issued to the carrier referred to in paragraphs 2, 3 and 4 of this Article. The Minister shall prescribe by means of an ordinance the layout and contents of the form of the return order.

2. Which national authorities are in charge of enforcing the above measures?

The Border Police is the national body responsible for the implementation of the above mentioned article of the Aliens Act, and sanctioning in accordance with Article 249 of the Aliens Act, in case of non-implementation of the provisions of Article 52 of the Aliens Act.

3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

At airports, 42 fines were imposed on carriers in 2023, 34 fines in 2024, and 21 fines on carriers in the first nine months of 2025.

At maritime border crossings, three fines were imposed in the first nine months of 2025, while no cases of fines on carriers were recorded in 2024 and 2023.


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			<p>No separate statistical records are kept for the aforementioned violations at road, river and railway border crossings.</p> <p>4. What was the range of fines imposed?</p> <p>The range of fines imposed ranges from 3000 euros to 6630 euros for each individual case.</p> <p>5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?</p> <p>The difference in the number of denied entry and fines imposed on carriers can be explained by the fact that in some cases, persons were subsequently allowed entry after obtaining valid documents.</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>There are no such cases recorded.</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p>
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			<p>There was no action in accordance with Article 5 of Directive 2001/51, in relation to road, river, rail, air or maritime transport.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There was no action in accordance with Article 5 of Directive 2001/51, in relation to road, river, rail, air or maritime transport.</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There was no action in accordance with Article 5 of Directive 2001/51, in relation to road, river, rail, air or maritime transport.</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There was no action in accordance with Article 5 of Directive 2001/51, in relation to road,</p>
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			river, rail, air or maritime transport.
	EMN NCP Czech Republic	Yes	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic – carrier obligations under Section 104.</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>The Police of the Czech Republic detects and processes carriers' offences, issues a decision on the fine, and sends it to the carrier according to the registered seat of the company. In cases of non-compliance with financial obligations, the case is further handled by the Customs Administration of the Czech Republic.</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Year</p> <p>Number of cases</p>

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			<p>202383202493Until 30 Sept 202549</p> <p>4. What was the range of fines imposed?</p> <p>From CZK 100,000 to CZK 700,000 (in joint proceedings).</p> <p>5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?</p> <p>The number of offences will always be higher than the number of fines imposed. Some offences were dealt with in joint proceedings, where one decision covered refusals of entry for several persons. Another possibility is that only final (legally binding) decisions on carriers' offences are included in the statistics.</p> <p>Year Number of cases 20231172024127Until 30 Sept 2025143</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>Yes. In accordance with Section 44 of Act No. 250/2016 Coll., on Liability for Offences and Proceedings Thereon, a reduction of the fine amount may be applied. In practice, this measure was used in six cases involving Ukrainian nationals, where the fine was reduced to CZK 20,000 per person.</p>
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7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

It is not possible to provide an answer. The unit issuing the sanction decision does not receive any feedback on the outcome.


8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

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9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

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			<p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>It is not possible to provide an answer. The unit issuing the sanction decision does not receive any feedback on the outcome.</p>
	<p>EMN NCP Estonia</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>National legislation the Aliens Act § 290 foresees obligation of transporter, according to which:</p> <p>(1) A person who transports or whose representative transports an alien to the Estonian border, to the temporary border line or to the transit zone (hereinafter transporter) is required to verify before accepting a foreigner onto their transport vehicle if an alien who is admitted to the means of transport has a legal basis for entry into Estonia or stay in the transit zone and a document necessary for crossing the border.</p> <p>(2) A transporter who transported or whose representative transported to the Estonian border an alien who, upon arrival at the Estonian border, lacked a legal basis for temporary stay or residence in Estonia or a document necessary for crossing the border, is required to transport an alien who is to be returned from the Estonian border, back to the same place where an alien boarded the means of transport of the transporter, or back to the country of location of</p>



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			<p>an alien. Transporter liability is stipulated in the Aliens Act § 299: The direct delivery by a person providing a transport service, a member of their management board or another representative, to whom the performance of the respective obligation has delegated, of an alien who does not have a legal basis for the stay in Estonia or in the transit zone to the state border of Estonia, transit zone or temporary border line and violating the obligations, is punishable by a fine of up to 300 fine units (A fine unit is the base amount of a fine equal to 8 euros).</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>The Police and Border Guard Board is responsible for implementing the measures.</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>No fines were imposed in this period.</p> <p>4. What was the range of fines imposed?</p> <p>N/A</p>
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			<p>5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?</p> <p>In most cases, the person's visa or residence permit had been revoked without their knowledge, and the carrier was unaware of this. Some cases involved ship and aircraft crew members who did not have documents recognized as valid for crossing the Estonian border.</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>N/A</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Not applied.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p>
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			<p>Not applied.</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Not applied.</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Not applied.</p>
	EMN NCP Finland	No	Response is marked as EMN Sensitive
	EMN NCP France	Yes	1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?

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The Transport Code (Article L. 6421-2) stipulates that "the carrier may only board passengers for international transport after verifying that they are duly authorized to land at the point of arrival and at any scheduled stopovers." The carrier therefore has an obligation to check documents at the time of boarding. If the transport company fails to comply with its obligation to check documents, an administrative fine is provided for by the Code on the Entry and Stay of Foreigners and the Right of Asylum (CESEDA) (Article L. 821-6).

The CESEDA also stipulates that the carrier is obliged to re-route passengers who have been refused entry into France by border control services. Article L. 333-3 of the CESEDA stipulates that "when a foreign national is refused entry into France, the transport company (...) that transported them is required to return them without delay." This is known as the obligation to return. Article L. 333-5 of the CESEDA specifies that the costs of returning the foreign national are borne by the carrier that transported the foreign national who was refused entry.

"The costs of caring for the foreign national placed or kept in a waiting area" following a refusal of entry (Article L. 333-5 of the CESEDA) are also borne by the carrier; these costs correspond to the obligation of caring.

In the event that the carrier fails to fulfill its obligations to return and take charge of a foreign national, an administrative fine is provided for in Article L. 821-10 of the CESEDA.

2. Which national authorities are in charge of enforcing the above measures?

It is the border guard services (border police) who determine refusals of entry and record breaches of carriers' obligations.

The fine file is then investigated by a specific department of the Directorate-General for Foreigners in France (Carrier Fines Section) within the Ministry of the Interior.

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3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

The border guard services (border police) forward the infringement files to the department responsible for investigating fines imposed on carriers (the Directorate General of Foreigners in France's Carrier Fines Section). In 2023, 1,361 offence reports (including failure to check documents and failure to reroute) were forwarded to the Directorate General of Foreigners in France, 1,693 reports in 2024, and 214 in 2025 (from January 1 to September 1, 2025). Due to a delay in processing the files, 696 decisions to impose fines were made in 2013, 1,649 decisions in 2024, and 616 between January 1 and September 1, 2025. In 2024, 26 reports came from a maritime border crossing point, representing 1.5% of all reports; all other reports were transmitted by air border crossing points.

In 2023, the National Directorate of Border Police (DNPAF) issued 5,503 refusals of entry on grounds A, B, C, and D at its external air and sea borders; in 2024, 4,699 refusals of entry for the same reasons and at the same borders, and for the first nine months of 2025, 3,638 refusals of entry for the same reasons and at the same borders.

4. What was the range of fines imposed?

Violations relating to failure to verify documents are punishable by a fine of up to €10,000. The standard fine for ordinary cases is €10,000. Reduced fines (€5,000) are available in specific cases. If the foreign national who has disembarked and been refused entry is an

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unaccompanied minor, the carrier must pay €10,000 when notified of the refusal of entry. If the carrier refuses, the fine may be increased to €20,000. Violations relating to failure to reroute are punishable by a fine of up to €30,000. Reductions (€15,000) are also offered in specific cases.

5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?

In accordance with Article L. 821-8 of the CESEDA, the fine for failure to verify documents shall not be imposed "1° Where the foreign national has been admitted to French territory on the basis of an asylum application that was not manifestly unfounded;"

In many cases, passengers are refused entry for reasons that carriers could not have known about/for which they are not responsible (examples: the passenger does not have sufficient means of subsistence for the period and conditions of stay, return to the country of origin or transit; the passenger is listed for non-admission in the Schengen Information System or in the national database - expulsion, removal, ban from the territory, threat to public order; the passenger is considered to pose a threat to public order, internal security, public health or the international relations of one or more Member States of the European Union).

2° When the transport company establishes that the required documents were presented to it at the time of boarding and that they did not contain any obvious irregularities."


Waiting for additional information

6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?

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			<p>No exemptions are provided for by the CESEDA.</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>no reported case</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>no reported case</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>no reported case</p>
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			<p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>no reported case</p>
	<p>EMN NCP Germany</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>In the context of Article 26 of the Schengen Convention in conjunction with Directive 2001/51, the legal provisions applicable in Germany are Section 63 of the Residence Act (AufenthG) – Obligations of carriers, and Section 64 of the Residence Act (AufenthG) – Obligation of carriers to return passengers.</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>The authorities responsible for police control of cross-border traffic – e.g. German Federal Police, state police.</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by</p>


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			<p>type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Financial penalties ("penalty payments") were imposed exclusively on airlines for unauthorized transport by air. These were imposed in the following calendar years:</p> <p>2023 in 1,843 cases,</p> <p>2024 in 1,089 cases,</p> <p>January and September 2025 in 932 cases</p> <p>4. What was the range of fines imposed?</p> <p>The financial penalties ("penalty payments") imposed on transport companies amounted to:</p> <p>€4,014,000.00 in 2023</p> <p>€2,182,000.00 in 2024</p> <p>€1,803,000.00 between January and September 2025</p> <p>5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?</p> <p>Statistics on the number of passengers being refused entry in relation to the number of</p>
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			<p>sanctions applied do not exist. Thus, a possible gap cannot be confirmed nor explained.</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>Exceptions, such as voluntary payments, were not applied. However, the law (Section 63 (4) of the Residence Act) opens up the possibility to influence the amount of financial penalties through procedural agreements ("memorandum of understanding"). See Part 3, Question 1.</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>None.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>None.</p>
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			<p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>None.</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>None.</p>
	<p>EMN NCP Greece</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>According to the contribution by the Hellenic Civil Aviation Authority (HCAA), with respect to Article 26.3 of the Convention Implementing the Schengen Agreement (penalties to air carriers), Greece has made legal provisions, as follows: (A) Code of Immigration (Law 5038/2023), article 25.3 "3. Airlines or shipping companies, as well as any other natural or legal person engaged in any form of public passenger transport, are obliged not to accept for carriage and to take all necessary measures to prevent the transport from abroad to Greece of third-country nationals</p>

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			<p>who: are not in possession of the required valid passports or other travel documents and entry visas, where such visas must be obtained prior to the arrival of third-country nationals in the country, unless the conditions of Article 35 of Regulation (EC) No. 810/2009 in conjunction with point (b) of paragraph 5 of Article 6 of Regulation (EU) 2016/399 are met; or (b) hold passports or other travel documents with visible signs of forgery or alteration.</p> <p>By decision of the Hellenic Civil Aviation Authority, an administrative fine ranging from five thousand (5,000) euros to thirty thousand (30,000) euros per transported person shall be imposed on airlines, as well as on any other natural or legal person transporting individuals by air, who violate the above obligation." (B) HCAA Decision No. 27548/17-9-2024 of the HCAA Governor regarding the procedure for imposing fines (Government Gazette 5685 B' /14-10-2024), which sets out the stages/steps for issuing a fine-imposition decision by the HCAA.</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>As stated above, according to the Code of Immigration (Law 5038/2023), HCAA is responsible for imposing a monetary fine to the air carrier, in cases where Border Control Authority has verified and notified HCAA on air carriers who have transported aliens who do not possess the necessary travel documents.</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please</p>
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			<p>provide data for the period January - September]</p> <p>In early 2025, the Hellenic Civil Aviation Authority, acting within its competence, imposed a fine on one (1) carrier for 17 violations confirmed for the year 2023. The procedure is ongoing, and it is being continuously monitored.</p> <p>4. What was the range of fines imposed?</p> <p>The fine, according to the applicable legislation (Immigration Code), amounted to €85,000 (€5,000 per passenger).</p> <p>5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?</p> <p>This dispute/gap arose due to the reason for refusal of entry under the current legal framework.</p> <p>No administrative fine should be imposed on the air carrier when the reason for refusal of entry of the passenger concerns the passenger's registration in the SIRENE database, namely in cases where the passenger has been designated as undesirable for the country. That is information which cannot be disclosed or communicated to the air carrier.</p> <p>All other cases where a sanction should be imposed, i.e. cases that the air carrier has transported aliens who do not possess the necessary travel documents, are under process/assessment by HCAA and the appropriate penalties will be imposed once the assessment is finalised.</p>
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			<p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>No such legal provision exists or has been applied.</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>No such measures as in (7), (8), (9) and (10) have been taken by HCAA until now.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>No such measures as in (7), (8), (9) and (10) have been taken by HCAA until now.</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p>
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			<p>No such measures as in (7), (8), (9) and (10) have been taken by HCAA until now.</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>No such measures as in (7), (8), (9) and (10) have been taken by HCAA until now.</p>
	<p>EMN NCP Hungary</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>Sections 143–144 of Act XC of 2023 on the general rules governing the entry and residence of third-country nationals (hereinafter: the Act) stipulate the following:</p> <p>„PART SEVEN RULES OF LIABILITY 87. Responsibility of the carrier 143. § (1) The carrier is any natural or legal person or organization without legal personality who or which is professionally engaged in the transport of persons. (2) A carrier transporting third-country nationals by air or water, or by scheduled road transport to the territory of Hungary or through its territory to another destination, shall, prior to transport, verify that the third-country national is in possession of a valid travel document</p>

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			<p>for entry or transit, or a visa entitling him or her to a planned stay not exceeding ninety days.</p> <p>(3) Carriers transporting third-country nationals by air, sea, or road shall carry out the checks provided for in Article 13(3) of Regulation (EU) 2017/2226 of the European Parliament and of the Council.</p> <p>(5) A carrier transporting a third-country national by air, water, road, or rail shall ensure the immediate return of that person to the country from which the third-country national passenger was brought, or which is obliged to accept him or her, if</p> <p>a) the passenger transported by him has been refused entry into the territory of Hungary due to the absence of a condition specified by law;</p> <p>b) the transit passenger transported by him has been returned to the territory of Hungary due to refusal of entry to another destination; or</p> <p>c) the carrier undertaking to transport the passenger to another destination refuses to allow the passenger transported by it to board the vehicle.</p> <p>(6) If the return transport cannot be carried out immediately, the costs incurred in connection with the stay of the third-country national shall be borne by the carrier until the return transport.</p> <p>(7) If the carrier disputes its obligation to return the passenger or bear the costs, the immigration authority shall issue a decision obliging it to fulfill its obligation to return the passenger and bear the costs.</p> <p>(8) Carriers who fail to comply with their obligations under paragraphs (2) and (3) shall be subject to a public order fine as specified by law.</p> <p>(9) The carrier shall be exempt from the obligation to pay the public order fine if it proves that it has fulfilled its inspection obligation under paragraph (2) with the diligence that can be expected of it.</p> <p>(10) A carrier who fails to comply with the obligation set out in paragraph (3) shall be exempt from the obligation to pay the public order fine if</p> <p>a) it proves that it has fulfilled its obligation to check with the diligence that can be expected</p>
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			<p>of it, or</p> <p>b) it is technically impossible for the carrier to carry out the checks pursuant to Article 13a(1) of Regulation (EU) 2017/2226 of the European Parliament and of the Council, as inserted by Regulation (EU) 2021/1152 of the European Parliament and of the Council.</p> <p>Section 144 (1) At the request of the border control authority, the immigration authority shall impose a public order fine specified in the law on the air carrier if the air carrier, in breach of its obligation under the Act on Air Transport – fails to provide data on passengers who are not transported to the territory of Hungary from the territory of a Member State of the European Union or a Schengen State.</p> <p>(2) The provisions of paragraph (1) shall also apply if the air carrier transmits incomplete data or, failing to exercise due care, false data.”</p> <p>Government Decree 35/2024 (II. 29.) on the implementation of Act XC of 2023 on the general rules governing the entry and residence of third-country nationals provides for the implementation of the above Act as follows:</p> <p>“PART SIX RULES OF LIABILITY 67. Liability of the carrier 136. § (1) In applying the provisions of Sections 143 and 144 of the Tv., the police shall determine and order the public order fine imposed on the carrier, as well as the obligation to return the goods and bear the costs. (2) If the carrier fails to comply with its obligation to return the goods within the time limit specified in Section 96 (1) of the Act*, the Police shall advance the costs and another carrier shall arrange for the return of the goods. (3) If the carrier fails to fulfill its obligation to bear the advanced costs, the Police may claim reimbursement of the costs in accordance with the rules of civil law.</p>
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			<p>(4) The obligation to return may not be imposed if the third-country national being transported requests recognition as a refugee or requests temporary or subsidiary protection.</p> <p>Section 137 (1) A carrier who fails to comply with the inspection obligation under Section 143 (2) of the Act shall be subject to a public order fine of at least EUR 3,000 and up to EUR 5,000 per person, determined in Hungarian forints.</p> <p>(1a) A carrier who fails to comply with the inspection obligation under Section 143(3) of the Tv. shall be subject to a public order fine of at least EUR 3,000 and at most EUR 5,000 per person, determined in Hungarian forints.</p> <p>(2) Carriers who fail to comply with their inspection obligation under Section 143(4) of the Act shall be subject to a public order fine of between EUR 3,000 and EUR 5,000 per person, payable in Hungarian forints.</p> <p>(3) The fine shall be determined by the police authority competent for the place where the attempt to enter the territory of Hungary took place.</p> <p>Section 138 (1) The public order fine pursuant to Section 144 of the Act shall be at least EUR 3,000 and at most EUR 5,000, to be determined in Hungarian forints, for each journey in connection with which passenger data has not been communicated or has been communicated incorrectly.</p> <p>(2) The fine shall be determined by the competent authority of the place of entry into the territory of Hungary against the air carrier that has failed to comply with its data reporting obligation.</p> <p>(3) The amount of the public order fine specified in Sections 143 and 144 of the Tv. shall be determined taking into account all the circumstances of the case, in particular the repeated nature of the infringement and the number of infringements.</p> <p>(4) Appeals against decisions imposing public order fines under Sections 143 and 144 of the Tv. shall be assessed by the National Police Headquarters."</p> <p>*"Section 96 (1) In order to ensure the enforcement of the return, third-country nationals</p>
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			<p>shall be required to</p> <p>a) remain on the vehicle of onward or return transport for a maximum of eight hours, b) remain in the border area for a maximum of seventy-two hours or, if arriving by air, in a designated area of the airport for a maximum of eight days, and c) transfer to another departing flight operated by the transport company responsible for the return transport.”</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>The police are the competent authority at the place of attempted entry into the territory of Hungary.</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>2023. 2024. 2025. I-IX. air carriers 111 96 32 maritime operators</p>
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			-
			-
			-
			coach operators
			28
			14
			5
			total
			139
			110
			37
			4. What was the range of fines imposed?
			The penalty for not having travel documents or a visa is between €3,000 and €5,000 per passenger, determined in Hungarian forints, while the penalty for not having a passenger list or providing incorrect information is between €3,000 and €5,000 per flight, determined in Hungarian forints. A fine of EUR 3,000, determined in Hungarian forints, shall be imposed for a first offense. If the same carrier repeatedly violates its obligation, the competent authority shall increase the amount of the fine.
			5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?
			In the absence of a valid travel document or visa, not only persons transported by a carrier may be returned, but also passengers traveling on foot, by bicycle, or in their own vehicle.

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			<p>Persons whose residence permits have been revoked by the issuing authority are also returned if they do not have a visa, but the carrier may not be aware of this at the point of departure.</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>No</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Data not available.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Data not available.</p>
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Ad-Hoc Query on 2025.57 Application of EU rules on carriers' liability in Member States [Part 1: framework, sanctions and penalties]

			<p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Data not available.</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Data not available.</p>
	EMN NCP Ireland	No	Response is marked as EMN Sensitive
	EMN NCP Italy	Yes	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>Italy has amended its national legislation (Legislative Decree No. 286/1998) to regulate carrier liability and the related sanctions.</p>

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2. Which national authorities are in charge of enforcing the above measures?

The violation referred to in Article 12, paragraph 6, of Legislative Decree No. 286/1998 is identified and notified by the Border Police, despite the fact that the national authority competent to impose this type of sanction is the Prefetto (Prefect) of the Province in which the Border Police Office that recorded the violation is located.

3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

Year 2023: 535 sanctions (18 at maritime borders and 517 at air borders). Year 2024: 506 sanctions (18 at maritime borders and 488 at air borders). Year 2025, as of 30 September: 250 sanctions (3 at maritime borders and 247 at air borders).

4. What was the range of fines imposed?

Article 12, paragraph 6, of Legislative Decree No. 286/1998 provides for an administrative fine ranging from EUR 3,500 to EUR 5,500 for each third-country national transported in violation of the provision. In this regard, the law stipulates that the carrier "is required to ensure that the third-country national being transported is in possession of the documents required for entry into the territory of the State, as well as to report to the Border Police any foreigner in an irregular situation who may be on board its means of transport".

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5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?

Border refusals may also occur for reasons unrelated to the possession of the documents required for entry into the Schengen area, as well as in cases of document fraud. In such situations, the carrier cannot be sanctioned. It also happens that third-country nationals for whom a sanction has been imposed on the carrier are not refused entry at the border, as they express their intention there to apply for international protection. Additionally, there are cases in which third-country nationals, having boarded with valid documents, dispose of them before appearing for border controls.

6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?

Yes. National legislation allows the carrier to settle the sanction through reduced payment (EUR 1,833.33) within 60 days from the notification or issuance of the violation by the Border Police (Article 16 of Law No. 689/1981). The reduced amount corresponds to one third of the maximum fine provided for the violation committed.


7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

The Border Police are not aware of any such cases, despite to the fact that these scenarios are expressly provided for in Article 12, paragraph 6, of Legislative Decree No. 286/1998. The

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			<p>competent authority to adopt such measures is the Prefetto (Prefect) with territorial jurisdiction.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>The Border Police are not aware of any such cases, despite to the fact that these situations are expressly provided for in Article 12, paragraph 6, of Legislative Decree No. 286/1998. The competent authority to adopt such measures is the Prefetto (Prefect) with territorial jurisdiction.</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>The Border Police are not aware of any such cases, despite to the fact that these situations are expressly provided for in Article 12, paragraph 6, of Legislative Decree No. 286/1998. The competent authority to adopt such measures is the Prefetto (Prefect) with territorial jurisdiction.</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type</p>
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			<p>of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>The Border Police Service is not aware of any such cases, despite to the fact that these situations are expressly provided for in Article 12, paragraph 6, of Legislative Decree No. 286/1998. The competent authority to adopt such measures is the Prefetto (Prefect) with territorial jurisdiction.</p>
	<p>EMN NCP Latvia</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>Legal provisions:</p> <ul style="list-style-type: none"> • Immigration Law, Sections 21, 67 and 68.7; • Administrative Liability Law; • State Border Guard Law; • Road Transport Law; • Railway Law; • Law On Aviation. <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>Ministry of the Interior/ State Border Guard — the main enforcement authority (monitors and applies penalties). Ministry of Transport / Civil Aviation Agency / Maritime Administration / Road Transport</p>

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			<p>Directorate — informs about licenses and operators. Ministry of Finance/State Revenue Service/Customs Latvian Railway – the infrastructure manager, in cooperation with the Border Guard ensures border control and security regime on those railway sections and stations located on the external border of Latvia.</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>According to State Border Guard information: 2023 – air carriers 31, bus operators 1; sea operators 0 2024 – air carriers 21, bus operators 1, sea operators 0 2025 – air carriers 17, bus operators 13, sea operators 0</p> <p>4. What was the range of fines imposed?</p> <p>In accordance with Immigration Law on the transportation, if the aforementioned persons do not have the necessary documents for entry into Latvia and if this was carried out by the carrier, a fine of six hundred to one thousand fine units shall be imposed on natural or legal persons for each transported person. One fine unit is 5 euros, so the range of fines is from 3,000 euros to 5,000 euros for each transported person.</p>
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Ad-Hoc Query on 2025.57 Application of EU rules on carriers' liability in Member States [Part 1: framework, sanctions and penalties]

5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?

The State Border Guard does not apply sanctions in all cases when third-country nationals are refused entry to Latvia, but only in those cases when the carrier has brought persons from third countries without the documents required for entry to Latvia. In turn, the reasons for refusal of entry may be various - for example, the traveler does not meet other entry conditions specified in the Schengen Borders Code and the Immigration Law is included in the alert system for refusing entry, or the third-country national is considered a threat to public order or public health.

6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?

Yes, in 2023 - 1, in 2025 - 1. Penalties were reduced by 50%.


7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

There have been no cases of sanctions imposed under Article 5 of Directive 2001/51 during this period.

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			<p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There have been no cases of seizure and confiscation imposed under Article 5 of Directive 2001/51 during this period.</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There have been no cases of temporary suspension imposed under Article 5 of Directive 2001/51 during this period.</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There have been no cases of withdrawal of the operating licence imposed under Article 5 of Directive 2001/51 during this period.</p>
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Ad-Hoc Query on 2025.57 Application of EU rules on carriers' liability in Member States [Part 1: framework, sanctions and penalties]

	<p>EMN NCP Lithuania</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>To comply with Article 26 of the Convention Implementing the Schengen Agreement and Directive 2001/51/EC on carrier liability, Lithuania has transposed the relevant provisions through the Law on the Fundamentals of Transport Activities (Lietuvos Respublikos transporto veiklos pagrindų įstatymas, TVPI, accessible at).</p> <p>The TVPI establishes obligations and liability for carriers transporting passengers and goods, requiring them to verify the validity of passengers' travel documents before boarding. It also defines the carriers' duties and the procedures for imposing penalties.</p> <p>If a third-country national is refused entry into Lithuania, or if the carrier responsible for the passenger's transit refuses to continue transport, or if the destination country denies entry and returns the person to Lithuania, the carrier must, upon request of the State Border Guard Service, immediately:</p> <p>Transport the person back to the country of departure at its own expense; orTransport the person to the country that issued the travel document; orTransport the person to another country into which entry is permitted.Air carriers must, no later than 48 hours before the scheduled flight time and again immediately after the boarding gates are closed but before take-off, submit (free of charge and by electronic means) passenger flight data concerning persons arriving in or departing from the territory of the Republic of Lithuania to the designated competent authority.</p> <p>Carriers engaged in the transport of passengers by air or sea, as well as those operating international road routes carrying groups of passengers on special or chartered trips, must</p>
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			<p>ensure that all third-country nationals entering the Republic of Lithuania possess the required travel documents for entry.</p> <p>If the State Border Guard Service determines that a carrier has transported a third-country national without the required travel documents, the carrier is subject to a fine ranging from €3,186 to €5,214 for each passenger transported without valid entry documentation.</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>The Information Technology and Communications Department under the Ministry of the Interior (Informacinių technologijų ir ryšių departamentas) is the designated competent authority responsible for receiving and processing passenger flight data submitted by air carriers. It functions as Lithuania's Passenger Information Unit (Keleivių informacijos padalinys, PIU), authorised by the Commissioner General of the Lithuanian Police, and includes officers delegated from the State Border Guard Service, the Customs Department under the Ministry of Finance, the State Security Department, and the Second Investigation Department under the Ministry of National Defence.</p> <p>The Ministry of Transport and Communications develops and implements national transport policy, coordinates the interaction of all modes of transport, issues and supervises the enforcement of legal acts regulating transport activities, and ensures the preparation and implementation of strategic programmes for transport system development, safety, and environmental protection.</p> <p>Municipal authorities define and implement local public transport strategies.</p> <p>The State Border Guard Service under the Ministry of the Interior enforces the obligations of</p>
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			<p>carriers to return, at their own expense, third-country nationals who are refused entry or readmitted to Lithuania and imposes fines for violations of the Law on the Fundamentals of Transport Activities (TVPI).</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Air carriers: in 2024 there were 6 cases. In 2025 there were 6 cases and 2 more cases are still being examined.</p> <p>4. What was the range of fines imposed?</p> <p>The fines imposed on carriers for violations of the Law on the Fundamentals of Transport Activities (TVPI) ranged from EUR 3,186 to EUR 4,200. In practice, the minimum fine of EUR 3,186 is most frequently applied.</p> <p>Under Article 26 of the TVPI, the exact fine amount is determined within the statutory limits, based on the average between the minimum and maximum amounts and adjusted according to the presence of mitigating or aggravating circumstances.</p> <p>If mitigating circumstances are identified, the fine is reduced from the average towards the minimum. These may include:</p> <ul style="list-style-type: none">- the carrier's cooperation with the State Border Guard Service or police in investigating the violation;- situations where the violation occurred due to psychological or physical coercion affecting
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			<p>the carrier or its staff.</p> <p>If aggravating circumstances are established, the fine is increased from the average towards the maximum. Such circumstances include:</p> <ul style="list-style-type: none">– obstruction by the carrier of the investigation conducted by the State Border Guard Service or the police;– committing the violation by taking advantage of an emergency situation (for example, transport disruption, exceptional border control circumstances, or crisis conditions). <p>When both mitigating and aggravating factors are present, the fine is imposed by weighing their number and significance. The reasoning for the adjusted amount must be explicitly stated in the decision issued under Article 25(2) of the same Law.</p> <p>5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?</p> <p>The difference arises because in many cases the air carrier cannot be held liable. This occurs when a passenger arrives with a residence permit that has been declared invalid, even though the document itself appears valid at the time of boarding. The air carrier verifies that the passenger holds valid travel documents but does not have access to databases showing that the permit has been annulled. In such cases, the passenger is refused entry, but no fault lies with the carrier, and no administrative case is initiated.</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>Yes. When an air carrier cooperates, acknowledges the violation, and expresses remorse, these circumstances are considered mitigating factors, and therefore the minimum fine of EUR</p>
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			<p>3,186 is imposed.</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Such measures were not applied.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Such measures were not applied.</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Such measures were not applied.</p>
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			<p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Such measures were not applied.</p>
	<p>EMN NCP Luxembourg</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>Articles 107 and 108 of the amended law of 29 August 2008 on free movement of persons transposed partially these articles.</p> <p>Article 107 states that the air transport company that disembarks on the territory a third-country national who does not possess a valid travel document and, where applicable, the required visa or travel authorization, must return or have the person returned to the country of origin or to any other country where they may be admitted. This obligation to return or have the person returned also applies to the air transport company when entry into the territory is refused, to a third-country national in transit if:</p> <ul style="list-style-type: none"> a) the air transport company that was supposed to carry the person concerned to their country of destination refuses to embark them, or b) the authorities of the country of destination have refused the person entry into their territory and have sent them back to the Grand Duchy of Luxembourg. <p>The carrier referred is also required to pay the costs of the person's stay, including health expenses, and their return.</p>

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			<p>Article 108 states that the air transport company that disembarks on the territory a third-country national who does not possess a valid travel document and, where applicable, the required visa or travel authorization, or that has failed to transmit the information referred to in Article 106, or has not transmitted such information within the prescribed period, or has transmitted incomplete or incorrect information, shall incur the penalties provided for the Immigration Law.</p> <p>The breach shall be recorded in an official report drawn up by the Grand Ducal Police. A copy of the report shall be provided to the air transport company.</p> <p>The air transport company shall have access to the file and shall be given the opportunity to submit written observations within one month regarding the proposed sanction. The decision of the Minister, which shall be duly reasoned, may be subject to an appeal for annulment and reformation.</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>As article 108 of the Immigration Law states that the Grand Ducal Police (Central Unit of the Airport Police) will draw up the report of the infractions and it is the Ministry in charge of Immigration and Asylum who will take the respective sanctions.</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p>
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In Luxembourg due to the fact that the only external border is the Luxembourg International Airport the only sanctions that can be imposed are on air transport companies. The number of fines that have been imposed on air carriers following a refusal of entry at external borders for the years 2023 to 2025 are:

2023: 1
2024: 5
2025: 17

4. What was the range of fines imposed?

The sanctions imposed by articles 147 and 148 of the Immigration Law for violations to article 108 of the Immigration Law are the following:

Article 147 states that the air transport company shall be liable to a fine of EUR 5,000 per passenger transported. The fine shall be imposed by the Minister in charge of Immigration and Asylum as many times as there are passengers concerned. The amount shall be paid into the Treasury.

However, this fine cannot be imposed:

- a) where the third-country national has not been refused entry into the territory, or where, having lodged an application for international protection, they have been admitted to the territory of the Grand Duchy of Luxembourg on that basis and such application has not been declared inadmissible or rejected under an accelerated procedure; or
- b) where the carrier proves that the required documents were presented at the time of embarkation, or that the documents presented did not contain any manifest irregularity; or
- c) where the carrier proves that it was technically impossible to query the "European Travel Information and Authorisation System" (ETIAS) in order to verify whether the third-country national subject to the travel authorisation requirement was in possession of a valid travel

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authorisation; or

d) where the carrier proves that it was technically impossible to query the "Entry/Exit System" (EES) in order to verify whether the third-country national holding a short-stay visa issued for one or two entries had already used the number of entries authorised by their visa.

Article 148 states that a fine of EUR 5,000 shall be imposed on the air transport company referred to in Article 108 for each journey in respect of which the company, through its fault, has failed to transmit the information referred to therein, or has not transmitted such information within the prescribed period, or has transmitted incomplete or incorrect information. The fine shall be imposed by the Minister. The amount shall be paid into the Treasury.

5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?

See answer to Q.4.


6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?

There are no derogations for voluntary payment. However, as explained in the answer to Q.4, there are some exceptions to the applications of the sanctions of article 108 of the Immigration Law.

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			<p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There are no derogations for voluntary payment. However, as explained in the answer to Q.4, there are some exceptions to the applications of the sanctions of article 108 of the Immigration Law.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>N/A. The law does not foresee this type of sanction. In the period requested (2023-2025) there have not been any confiscation of aircraft due to the transport of individuals who were refused entry.</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>N/A. The law does not foresee this type of sanction. In the period requested (2023-2025) there have not been any suspension of license for an air transport company due to the transport of individuals who were refused entry.</p>
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			<p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>N/A. The law does not foresee this type of sanction. In the period requested (2023-2025) there have not been any withdrawal of license for an air transport company due to the transport of individuals who were refused entry.</p>
	<p>EMN NCP Netherlands</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>The carriers liability regulated by Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51 has been incorporated in Dutch law in Article 4, Article 5 and article 65 of the Aliens Act 2000[1], Articles 6.2. and 6.3. of the Aliens Decree 2000[2] and in Chapter A1/9 of the Aliens Act Implementation Guidelines 2000[3].</p> <p>Duty of care Article 4 of the Aliens Act 2000 lays out the so called duty of care for carriers.[4] This duty of care entails that the carrier that brought the third-country national to an external border or within the territory of the Netherlands shall take the necessary measures and exercise the supervision that can reasonably be required to ensure that the third-country national is in possession of a valid document for border crossing and that this document contains the required visa.[5] The details of this duty of care are laid out in Chapter A1/9 of the Aliens Act</p>

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			<p>Implementation Guidelines 2000:</p> <p>Carriers must instruct their personnel to inspect travel documents at check-in and departure for the Netherlands. Personnel must determine the validity of a border-crossing document. At minimum, the carrier must check if:</p> <ul style="list-style-type: none">the name, date of birth, sex, height and photograph match the person offering the border-crossing document.the required visas are present (both for the Netherlands and the final destination)the document and visas have not expiredthe border-crossing document was issued by a competent authority <p>Carriers must briefly perform a check to ensure the border-crossing document is not false or forged.</p> <p>At pick-up points with ticket-checking by technical equipment, the carrier must use that equipment to check border-crossing documents.</p> <p>The Dutch government has the authority to instruct a carrier to take additional pre-departure precautions for transports deemed-high risk. These instructions may include, for example, adjusting the method of control (additional checks before boarding) or the use of technical aids.</p> <p>Under international regulations the Dutch government may request a carrier to give an expert on travel documents a seat on board of a seagoing vessel or plane during a high-risk voyage who may, at the pickup point, upon boarding, advise carriers about genuineness of travel documents and the presence of necessary visas for both the Netherlands and the country of final destination, provided permission is given by the state where the pick-up point is located. The Dutch government will regularly update carriers about changes to required documents and visas and will give instructions to improve checks.</p> <p>If a carrier brings in a non-documented or wrongly documented third-country national without</p>
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Ad-Hoc Query on 2025.57 Application of EU rules on carriers' liability in Member States [Part 1: framework, sanctions and penalties]

			<p>prior permission, a border control officer will draw up an official report.[6]</p> <p>Obligation to make copies of documents Article 4 section 2 of the Aliens act 2000 states that the carrier may be required to make a copy of the border-crossing document of the third-country national and hand it over to the officials for border control. This is laid out further in Chapter A1/9 of the Aliens Act Implementation Guidelines 2000:</p> <p>The carrier who is obliged to make a copy of a valid border-crossing document must, upon request, provide the images to the border control officer within one hour of the request if a third-country national does not appear to have (correct) travel documents upon entry into the Netherlands. The border control officer does not need to have the exact details of the flight on which the third-country national arrived. An indication obtained from the third-country national statements or from other sources is sufficient for this purpose.[7]</p> <p>Obligation to provide passenger information Article 4 section 3 of the Aliens Act 2000 states that the carrier may be required for the purposes of border control and combating illegal immigration, to collect passenger data or data concerning the crew and to provide such data to the officials responsible for border control. This is laid out further in Chapter A1/9 of the Aliens Act Implementation Guidelines 2000.</p> <p>Penalties for breach of article 4 sections 1 to 3 of the Aliens act 2000 Because breach of article 4 sections 1 to 3 is considered as concerning imputable acts and/ or omissions, penalty rules apply.[8] These penalty rules are laid out in article 108 section 2 and state that those who are in breach with a provision laid down in Article 4, sections 1 to 3, shall be punishable by imprisonment of up to six months or a fourth category fine[9] (up to € 25.750,-).[10]</p>
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Ad-Hoc Query on 2025.57 Application of EU rules on carriers' liability in Member States [Part 1: framework, sanctions and penalties]

			<p>Duty to return In contrast to the duty of care article 4 of the aliens act, which concerns imputable acts and/or omissions and to which penalty rules thus apply when breached, the duty of return follows from a strict liability for the carrier. Imputable acts or omissions thus do not constitute a criterion here.[11]</p> <p>Article 5 and article 65 of the Aliens Act 2000, and Articles 6.2 and 6.3 of the Aliens Decree 2000 describe the duty of return of the carriers, which entails that carriers are obliged to return third-country nationals who are refused entry at the Dutch border to a location outside the Netherlands/Schengen area. This also applies to third-country nationals who are detained within six months of entry with a view to deportation. If the carrier fails to do so within the specified time limits, the Dutch government may recover the costs incurred for the inadmissible person from the carrier.[12] This process is further laid out in Chapter A1/9 of the Aliens Act Implementation Guidelines 2000:</p> <p>On instruction of a border control officer, a carrier must return a third-country national whom it transported to the Netherlands and who was refused entry to a location outside the Schengen Area. A carrier will transport the third-country national to at least one of the following countries: the third country from where the third-country national was brought in the third country that gave out the valid document of border crossing that the third-country national traveled with third country where admission of the third-country national is guaranteed This duty to applies when entry is refused because of no/incorrect documents, if entry is refused on basis of other grounds of Article 5 of the Schengen Borders code or when a third-country national is stopped with a view to removal within six months after entry. The third-country national who has been refused entry must stay in the area designated for this purpose by the border control official until the time of return. The carrier is responsible for the third-country national during the entire period from the</p>
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			<p>moment the carrier is instructed to return the third-country national to a place outside the Netherlands until the moment this return actually takes place.</p> <p>If the carrier is unable to return the third-country national within a reasonable period of time, the Minister of Asylum and Migration may recover the costs of the removal, including accommodation costs, from the carrier.</p> <p>The border control official will reassess whether the third-country national meets the conditions for entry if:</p> <p>the removal of a third-country national who was refused entry at the time of removal fails; and the third-country national returns after having left Dutch territory on board an aircraft or seagoing vessel. The border control officer will again refuse the third-country national entry into the Netherlands if the third-country national does not meet the conditions.</p> <p>The border control officer will give the carrier new instructions to return the third-country national to a place outside the Netherlands without reimbursement if the third-country national has previously been removed on the basis of article 65 of the Aliens Act 2000.</p> <p>If a third-country national who has left the Netherlands of their own accord is refused entry by authorities of the country of destination, and the third-country national does not meet the conditions for entry in the Netherlands, the border control officer cannot impose the obligation under article 65 of the aliens act on the carrier.</p> <p>Stowaways</p> <p>When a stowaway discovered on a seagoing vessel lacks proper documentation, the diplomatic/consular representation of the suspected country of origin must establish identity and/or nationality and issue replacement travel documents before the vessel leaves port.</p> <p>Third-country nationals with an account of the reason for their flight</p> <p>If a person at departure claims their life is in immediate danger in the country which he wants to depart from, the carrier may not simply send them to Dutch diplomatic/consular representation to apply for an entry visa with the goal of asylum. The courier must contact the Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst, IND). The head of</p>
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the IND will decide whether that person may be brought to the Netherlands, even without the appropriate travel documents. If this is granted, the relevant carrier does not have a duty of return.

Criminal liability

The official responsible for border control shall draw up a report in all cases where, as a result of the failure to comply with the duty of care or the duty to provide a copy, an undocumented or incorrectly documented third-country national has been brought into the Netherlands.

These reports will be forwarded to the Public Prosecution Service (Openbaar Ministerie, OM), who will first offer the offender an out of court settlement of the duty of care or the obligation to make copies of documents.

Liability for cost of removal and stay

The Repatriation and Departure Service (Dienst Terugkeer en Vertrek, DTenV) recovers the costs associated with the removal from the carrier after the third-country national has become lawfully removable and the border control officer has instructed the carrier to transport the third-country national back to a location outside the Netherlands.

After a third-country national has been transported back by a carrier, all government agencies provide the DTenV with an overview of the costs they have incurred in relation to the third-country national in question. The DTenV sends the carrier an invoice that includes the costs incurred by the various government agencies.

[1] Government of the Netherlands, wettenbank, <https://wetten.overheid.nl/BWBR0011823/2025-07-09>

[2] Government of the Netherlands, wettenbank, <https://wetten.overheid.nl/BWBR0011825/2025-07-01>

[3] Government of the Netherlands,

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			<p>wettenbank, https://wetten.overheid.nl/BWBR0012287/2025-10-12</p> <p>[4] Repatriation and Departure Service, Statutory framework, https://english.dienstterugkeerenvertrek.nl/duty-to-return/statutory-framework</p> <p>[5] Article 4 section 1 of the Aliens Act 2000</p> <p>[6] Chapter A1/9 of the Aliens Act Implementation Guidelines 2000</p> <p>[7] Chapter A1/9 of the Aliens Act Implementation Guidelines 2000</p> <p>[8] Repatriation and Departure Service, Statutory framework, https://english.dienstterugkeerenvertrek.nl/duty-to-return/statutory-framework</p> <p>[9] Article 108 section 2 of the Aliens Act 2000</p> <p>[10] Government of the Netherlands, https://www.rijksoverheid.nl/onderwerpen/straffen-en-maatregelen/vraag-en-antwoord/hoer-hoog-zijn-de-boetes-in-nederland</p> <p>[11] Repatriation and Departure Service, Statutory framework, https://english.dienstterugkeerenvertrek.nl/duty-to-return/statutory-framework</p> <p>[12] Repatriation and Departure Service, Duty to return, https://english.dienstterugkeerenvertrek.nl/duty-to-return</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>The OM, IND, DTenV and the Royal Netherlands Marechaussee (Koninklijke Marechaussee, Kmar) are in charge of enforcing the above measures.</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p>
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			<p>Questions 3 to 10 could unfortunately not be answered within this timeframe. We intend to send these answers separately before the end of this year.</p> <p>4. What was the range of fines imposed?</p> <p>Questions 3 to 10 could unfortunately not be answered within this timeframe. We intend to send these answers separately before the end of this year.</p> <p>5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?</p> <p>Questions 3 to 10 could unfortunately not be answered within this timeframe. We intend to send these answers separately before the end of this year.</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>Questions 3 to 10 could unfortunately not be answered within this timeframe. We intend to send these answers separately before the end of this year.</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period</p>
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			<p>January - September]</p> <p>Questions 3 to 10 could unfortunately not be answered within this timeframe. We intend to send these answers separately before the end of this year.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Questions 3 to 10 could unfortunately not be answered within this timeframe. We intend to send these answers separately before the end of this year.</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Questions 3 to 10 could unfortunately not be answered within this timeframe. We intend to send these answers separately before the end of this year.</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p>
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			<p>Questions 3 to 10 could unfortunately not be answered within this timeframe. We intend to send these answers separately before the end of this year.</p>
	<p>EMN NCP Portugal</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>The applicable rule is Article 41 of Law No. 23/2007, of 4 July, on Carriers' liability, transcribed below:</p> <p>1 - Any carrier transporting foreign nationals who does not meet the conditions for entry into Portuguese territory by air, sea or land is obliged to arrange for their return, as soon as possible to the point where they began using the means of transport or, if this is not possible, to the country where the respective travel document was issued or to any other place where their admission is guaranteed.</p> <p>2 - Until re-embarkation takes place, the passenger remains in the care of the carrier, which is responsible for paying the fee corresponding to the passenger's stay at the temporary accommodation centre or equivalent facility.</p> <p>3 - Whenever justified, foreign nationals who do not meet the entry requirements shall be removed from Portuguese territory under escort, which shall be provided by the competent security force, within the scope of its respective duties.</p> <p>4 - The carrier shall be responsible for the costs incurred by the use of the escort, including the payment of the respective fee.</p> <p>5 - The provisions of the preceding paragraphs shall also apply in the event of refusal of entry to a foreign national in transit when: a) The carrier that was to transport him to the country of destination refuses to board him; b) The authorities of the State of destination have refused</p>

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			<p>him entry and have returned him to Portuguese territory.</p> <p>This rule is supplemented by Article 7 of Regulatory Decree No. 84/2007, of 5 November, on Carriers' liability, transcribed below:</p> <p>1 - It is the responsibility of the carrier, as soon as notified under the terms of Article 38(3) of Law No. 23/2007 of 4 July, to bear all costs inherent to the foreign national's stay in the respective international zone or in accommodation located within national territory until the time of their re-embarkation.</p> <p>2 - The expenses referred to in Article 41(4) of Law No. 23/2007 of 4 July, in its current wording, include, in addition to the fee provided for, the corresponding allowances, personal accident insurance, transport, accommodation, as well as other expenses directly arising from the performance of the escort.</p> <p>3 - The regime referred to in the previous paragraph shall apply to situations in which the carrier requests an escort, provided that the competent security force concludes that it is necessary.</p> <p>4 - In the case of transport by sea, shipowners and the shipping agents representing them are jointly liable for the charges.</p> <p>In terms of penalties, it applies Article 194 of the aforementioned Law No. 23/2007, also transcribed below:</p> <p>Article 194 Transportation of persons who have entered the country without authorization The transport, to Portuguese territory, of a foreign national who does not possess a valid travel document or visa, by a carrier or by any person in the exercise of a professional activity, constitutes an administrative offence punishable, for each foreign national transported, by a fine of (euro) 4000 to (euro) 6000, in the case of legal persons, and of €3,000 to €5,000 in the case of natural persons.</p>
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2. Which national authorities are in charge of enforcing the above measures?

- The refusal of entry is of the responsibility either of Polícia de Segurança Pública (PSP), at air borders (following Article 32(4)(c) of Decree-Law No. 142/2019 of 19 September, as amended by Decree-Law No. 41/2023 and Article 3(1)(a) of Law No. 55 -C/2025, of 22/7) or Guarda Nacional Republicana (GNR), at land and sea borders (following Article 2 a) of Law No. 73/2021, of 12/11, as amended by Decree-Law No. 41/2023).
- Administrative offence procedures fall, in general, within the competence of AIMA (Agency for Integration, Migration and Asylum), under the terms of Article 207 of Law No. 23/2007, of 4th July.

It is worth noting, however, the recent Law No. 55-C/2025 of 22 July, which creates the National Foreigners and Borders Unit (UNEF) within PSP, which provides in Article 3(1)(d) that "The UNEF shall be responsible for: (...) d) To investigate administrative offences relating to matters falling within its competence under the legal regime governing the entry, stay, departure and removal of foreigners from national territory (...)", as is the case here with regard to the responsibility of carriers in the field of air transportation.

So, since August 2025, the authority responsible for processing administrative offences involving air carriers is PSP. In what concerns the liability of land or sea carriers, the responsibility falls under the general rule being a competence of AIMA's - in the absence of a similar rule (since this is of the responsibility of GNR).

3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

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The available data is as follows:

Year 2024: 1 fine referring to Article 194 (2 000€) at air borders;

Year 2025 (until September): 31 fines relating to Article 194 (2 000€ each, totalling 62 000€), at air borders.

4. What was the range of fines imposed?

In what concerns the range of fines that may be imposed, it applies the aforementioned article 194 of Law No. 23/2007.

However since airlines and shipping companies usually pay the fine voluntarily when notified by AIMA to do so, the amount is reduced by half.

In 2024 and 2025 (until September), the amount of fines imposed was 2 000€ each.

5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?

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6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?

Yes. As mentioned in Q4, when there is a voluntary payment following AIMA's notification, the amount of the fine is reduced by half.

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			<p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>N/A – Portugal does not foresee this type of measure involving penalties of another kind in its national legislation.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Same as Q7.</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Same as Q7.</p>
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			<p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Same as Q7.</p>
	<p>EMN NCP Slovakia</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>The obligations of carriers in the Slovak Republic are regulated by Act No. 404/2011 Coll. on the Residence of Foreigners, Article 108.</p> <p>A carrier that carries out the transport of persons to the territory of the Slovak Republic through an external air or water border, and a carrier that transports persons on regular international bus lines, except for local border transport, may not transport a third-country national who does not have a valid travel document, including a visa, if required, to the border crossing.</p> <p>A carrier who transports a third-country national to a border crossing point is obliged to transport him or her back to the country from which he or she was transported, to the state that issued the travel document with which he or she arrived or to any other state where his or her acceptance is ensured within 24 hours of his or her arrival or within a period determined in agreement with the police department at the border crossing point, if</p> <p>a) the third-country national has been refused entry into the territory of the Slovak Republic,</p>

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			<p>b)the third-country national has transited through the territory of the Slovak Republic and the authorities of another state have refused him entry to their territory and returned him to the territory of the Slovak Republic, or c)another carrier who was supposed to carry the third-country national to another country refused to transport him/her. If the carrier is unable to meet the above obligations, it is obliged to immediately arrange for the alternative transport of the third-country national and bear its costs or, if immediate alternative transport is not possible, to ensure the reimbursement of the costs of the stay and return of the third-country national.</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>Police Force of the Slovak Republic.</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>Border Control Department of the Police Force, Košice - airport Border Control Department of the Police Force, Poprad - airport Directorate of the Border and Foreign Police, Bratislava Total 2023</p>
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		0
		2
		46
		48
		2024
		1
		1
		56
		58
		2025 (until September)
		2
		3
		40+4 annuled on appeal
		45 + 4 annuled on appeal
		4. What was the range of fines imposed?
		3,000 to 5,000 euros
		5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?
		On the basis of various reasons for denying entry to passengers (see Article 108 and 117 of Act No. 404/2011 Coll. on the Residence of Foreigners)
		- breach of the obligations of carriers regulated by Act No. 404/2011 Coll. on the Residence of Foreigners, Article 108

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			<p>- breach of the obligation of the international airport operator - if the entrepreneur does not allow the entry or entry of a means of transport to the land near the external border and to the land in the border area of the external border when conducting a search for persons suspected of committing a criminal offence or offence related to border control</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>No.</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There were no such cases in the Slovak Republic between 2023 and September 2025.</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There were no such cases in the Slovak Republic between 2023 and September 2025.</p>
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			<p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There were no such cases in the Slovak Republic between 2023 and September 2025.</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>There were no such cases in the Slovak Republic between 2023 and September 2025.</p>
	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>In Slovenia, the obligations arising from Article 26 of the Convention Implementing the Schengen Agreement and Directive 2001/51/EC are implemented mainly through the Foreigners Act (ZTuj-2). This Act establishes the responsibility of carriers to ensure that third-country nationals they transport possess the required travel documents and visas for entry into Slovenia or the Schengen Area. If a carrier brings a passenger who is refused entry, the Police may impose an administrative fine and require the carrier to cover the costs of return or</p>

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removal. Decisions taken by the Police or the Ministry of the Interior may be appealed under the Administrative Procedure Act (ZUP) within fifteen days, and carriers also have the right to seek judicial review before the Administrative Court in accordance with the Administrative Dispute Act (ZUS-1). These provisions ensure Slovenia's full compliance with the requirements of Article 26 CISA and Directive 2001/51/EC.

2. Which national authorities are in charge of enforcing the above measures?

The Police is in charge.

3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

The sanctions were issued to the air carriers only. The statistical data is in the table below.

Total number per year:

2023:9

2024: 6


2025: 2

4. What was the range of fines imposed?

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			<p>The fine for every case is 4000 EUR.</p> <p>5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?</p> <p>Responsibility and liability are assessed individually in each of the cases and according to law we can fine air carriers just in cases, when they bring passengers without visas, expired visas or residence permits or with travel documents which are not valid or with expired travel documents.</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>If the fine is paid in 16 days, it is reduced by half.</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>None</p> <p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data</p>
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			<p>divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>None</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>None</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>None</p>
	<p>EMN NCP Spain</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>The legal provisions contained in Spanish legislation are as follows: Article 66 of Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in</p>

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			<p>Spain and their social integration (LOEX), which establishes the obligations of carriers in the field at hand:</p> <p>1. Where the Spanish authorities so determine for routes from outside the Schengen Area where the intensity of migratory flows makes this necessary, for the purpose of combating illegal immigration and ensuring public security, any carrier, carrier or carrier shall be obliged, at the time of completion of boarding and before departure of the means of transport, to forward to the Spanish authorities responsible for entry control information concerning passengers to be transferred, whether by air, sea or land, and irrespective of whether the transport is in transit or as a final destination, to Spanish territory.</p> <p>The information shall be transmitted by telematic means, or, if this is not possible, by any other appropriate means, and shall include the name and surname of each passenger, his date of birth, nationality, passport number or travel document proving his identity and type of the same, border crossing point of entry, transport code, time of departure and arrival of the transport, total number of persons transported, and initial place of boarding. The authorities responsible for entry control shall keep the data in a temporary file, deleting them after entry and within 24 hours of their communication, except where necessary in the performance of their duties. Carriers shall have informed passengers of this procedure and shall be obliged to erase the data within the same 24-hour period.</p> <p>2. Any company, transport company or carrier shall be obliged to send to the Spanish authorities in charge of entry control comprehensive information on the number of return tickets not used by passengers who had previously transported to Spain, whether by air, sea or land, and regardless of whether the transport is in transit or as a final destination, of routes from outside the Schengen Area.</p> <p>When the Spanish authorities so determine, under the terms and for the purposes indicated in the previous section, the information shall also include, for non-national passengers of the European Union, the European Economic Area or countries with which there is an international agreement extending the legal regime provided for citizens of the aforementioned States, the</p>
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			<p>name and surname of each passenger, his date of birth, nationality, passport number or travel document proving his identity.</p> <p>The information referred to in this paragraph must be sent no later than 48 hours after the expiry date of the ticket.</p> <p>3. In addition, any company, transport company or carrier shall be obliged to:</p> <p>a) To carry out the proper verification of the validity and validity, both of the relevant passports, travel documents or identity documents, and, where appropriate, of the corresponding visa to be held by foreigners.</p> <p>b) Immediately take charge of the foreigner who had moved to the corresponding air, sea or land border of the Spanish territory, if the latter had been denied entry due to deficiencies in the documentation necessary for the crossing of borders.</p> <p>c) Have in charge the foreigner who has been transferred in transit to an air, sea or land border of the Spanish territory, if the carrier who must take him to his country of destination refuses to embark him, or if the authorities of the latter country have denied him entry and have returned him to the Spanish border through which he has transited.</p> <p>To transport the aliens referred to in subparagraphs (b) and (c) of this subparagraph to the State from which he or she was transported, either to the State which issued the travel document with which he or she travelled, or to any other State which guarantees his or her admission and treatment consistent with human rights. The company, transport company or carrier that is in charge of a foreigner under any of the cases provided for in this section must guarantee him adequate living conditions while he remains in charge.</p> <p>4. The provisions of this article are also understood for the case in which the air or sea transport is carried out from Ceuta or Melilla to any other point of the Spanish territory.</p> <p>Articles 54 and 55 of the aforementioned law (LOEX), which establish the sanctions against carriers for failing to comply with the obligations set forth in article 66 of the Aliens Act.</p> <p>Article 54. Very serious infractions.</p>
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			<p>2. The following are also very serious infringements:</p> <p>a) Failure to comply with the obligations laid down for carriers in Article 66(1) and (2).</p> <p>b) The transport of foreigners by air, sea or land, to Spanish territory, by the persons responsible for the transport, without having verified the validity and validity, both of the relevant passports, travel documents or identity documents, and, where appropriate, of the corresponding visa, which must be held by the aforementioned foreigners.</p> <p>c) Non-compliance with the obligation of carriers to take care without loss of time of the foreigner or transported who, due to deficiencies in the aforementioned documentation, has not been authorized to enter Spain, as well as of the foreigner transported in transit who has not been transferred to his country of destination or who has been returned by the authorities of the latter, by not authorizing entry.</p> <p>This obligation shall include the maintenance costs of the foreign national concerned and, if so requested by the authorities responsible for entry control, those arising from the transport of the foreign national concerned, which shall take place immediately, either by means of the company subject to the penalty or, failing that, by means of another transport undertaking, to the State from which he was transported, to the State which issued the travel document with which he travelled or to any other State where his admission is guaranteed.</p> <p>Article 55. Sanctions.</p> <p>1. The offences referred to in the preceding articles shall be punishable in the following terms:</p> <p>[...]</p> <p>c) Very serious infringements with a fine from 10,001 to 100,000 euros, except that provided for in article 54.2.b), which will be with a fine of 5,000 to 10,000 euros for each traveler transported or with a minimum of 750,000 euros flat rate, regardless of the number of passengers transported. The penalty provided for in Article 54(2)(a) in conjunction with Article 66(1) shall be a fine of EUR 10,001 to EUR 100,000 for each journey made without having communicated the data of the persons transported or having communicated them incorrectly,</p>
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			<p>regardless of whether the Government Authority may adopt the freezing, seizure and confiscation of the means of transport, or the provisional suspension or withdrawal of the operating authorisation.</p> <p>Articles 16, 17 and 18 of Royal Decree 1155/2024, of 19 November, approving the Regulation of Organic Law 4/2000, of 11 January, on the rights and freedoms of foreigners in Spain and their social integration, which implement the provisions of the aforementioned Article 66 of the Law on Foreigners.</p> <p>Article 16. Obligations of transporters to check documents.</p> <p>1. The person or persons designated by the transport undertaking must require foreign persons to present their passports, travel documents or relevant identity documents, as well as, where appropriate, visas, when boarding outside the territory of the countries in which the Convention implementing the Schengen Agreement of 14 June 1985 is in force, to or in transit to Spanish territory. The purpose of the request shall be to verify the validity and validity of the documents.</p> <p>2. They shall also consult the European Union IT systems to which they have access, as laid down in Union law and national law.</p> <p>3. Carriers of passengers by land shall take such measures as they deem appropriate to verify the documentation of all foreign persons embarking outside the territory of the countries in which the Convention implementing the Schengen Agreement of 14 June 1985 is in force. Such checks may be carried out at the premises of the station or stop at which the embarkation is to take place, on board the vehicle before departure or, once commenced, provided that subsequent disembarkation is possible at a station or stop located outside the territory of the countries in which the Convention implementing the Schengen Agreement is in force.</p> <p>When it is found that a foreign person does not have the necessary documentation, he must not be admitted on board the vehicle and, if he has started the journey, he must leave it at</p>
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the nearest suitable stop or place in the direction of the journey outside the territory of the countries in which the Convention implementing the Schengen Agreement is in force. In the event that the foreign person with apparently poor documentation decides to embark or not to leave the vehicle, the driver or the accompanying person, when arriving at the external border, must inform the officers in charge of the control of the deficiencies detected so that they can take the appropriate decision.

Article 17. Obligations of carriers to provide information.

1. Under the terms established in paragraphs 1 and 2 of Article 66 of Organic Law 4/2000, of 11 January, any company, transport company or carrier must send to the Spanish authorities responsible for controlling entry the information on passengers to be transferred, whether by air, sea or land, regardless of whether the transport is in transit or has as its final destination the Spanish territory. Likewise, transport companies must provide comprehensive information on the number of return tickets not used by the passengers they had previously transported to Spain.

2. By joint ministerial order of the Ministry of Inclusion, Social Security and Migration and the Ministry of the Interior, the routes from outside the Schengen Area for which it is necessary to forward to the Spanish authorities responsible for entry control, in good time, the information referred to in Article 66(1) and (2) of Organic Law 4/2000 of 11 January 2000 shall be determined.

The decision shall indicate, inter alia, the time limit and the manner in which that information is to be forwarded.

3. For their part, airlines will have the obligation to communicate to the competent authorities the data of the Passenger Name Registry to which it refers and in the terms provided for in Organic Law 1/2020, of 16 September, on the use of the data of the Passenger Name Registry for the prevention, detection, investigation and prosecution of terrorist offences and serious crimes.

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			<p>Article 18. Obligations of carriers in case of refusal of entry.</p> <p>1. If a foreigner is refused entry into Spanish territory for failure to comply with the entry conditions laid down in European Union law, the carrier who brought him or her to the border by air, sea or land shall be obliged to take charge of him or her immediately. At the request of the authorities responsible for entry control, the alien shall be taken to the third State from which he or she was transported, to the State which issued the travel document with which he or she travelled, or to any other third State where his or her admission and treatment compatible with human rights are guaranteed.</p> <p>This same obligation must be assumed by the carrier who has transferred a foreign person in transit to a border in Spanish territory if the carrier who has to take him to his country of destination refuses to embark him, or if the authorities of the latter country have denied him entry and returned him to the Spanish border through which he has transited. In the case of air transport, the person responsible for the transport shall be the air carrier or operator or operator of the aircraft.</p> <p>Liability shall be joint and several in the event that a codeshare scheme is used between air carriers. In cases where successive journeys are made by means of stopovers, the air carrier carrying out the last leg of the journey to Spanish territory shall be responsible.</p> <p>2. The obligations of carriers in the event of refusal of entry referred to in this article, as well as those of control of documents and transmission of information referred to in the two previous articles, shall also apply to cases of air or sea transport carried out by the cities of Ceuta or Melilla to any other point of Spanish territory.</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>The first officials involved in these cases are the members of the National Police who carry out the corresponding border checks. When in the context of a border inspection the members of the National Police detect that one of the travellers does not comply with any of the entry</p>
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requirements and that this requirement should have been verified beforehand by the transport company, a sanctioning procedure will be initiated, the resolution of which will be the responsibility of the governmental authority.

3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

We do not currently have the data.

4. What was the range of fines imposed?

The range of sanctions is from 10,001 euros to 100,000 euros, in accordance with the provisions of Article 55 of Organic Law 4/2000, of January 11, on the rights and freedoms of foreigners in Spain and their social integration, with the nuances referred to for each particular infringement in that provision.

Article 55(3) LOEX provides that 'For the grading of penalties, the body competent to impose them shall comply with proportionality criteria, assessing the degree of culpability and, where appropriate, the damage caused or the risk arising from the infringement and its significance'.

5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?

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			<p>Carriers are obliged to return passengers they transport who are refused entry (for any of the reasons provided for in ANNEX V to the Schengen Border Code), pursuant to Article 26 of the CISA (Convention implementing the Schengen Agreement) and penalty regime is restricted to specific cases (see Article 54(2)(a), (b) and (c)).</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>Yes, the voluntary payment of the penalty reduces the amount of the penalty in accordance with the provisions of Article 85 of Law 39/2015 of 1 October 2015 on the Common Administrative Procedure of Public Administrations.</p> <p>Another exception is provided for in Article 54(3) of Organic Law 4/2000 of 11 January 2000 on the rights and freedoms of foreigners in Spain and their social integration.</p> <p>'3. Notwithstanding the provisions of the preceding paragraphs, the transport to the Spanish border of a foreign national who, having lodged his or her application for international protection without delay, has been declared admissible, in accordance with the provisions of Law 12/2009 of 30 October 2009 governing the right to asylum and subsidiary protection, shall not be considered an infringement of this Law.'</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>We do not currently have the data.</p>
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8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

We do not currently have the data.


9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

We do not currently have the data.

10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]

We do not currently have the data.

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	<p>EMN NCP Sweden</p>	<p align="center">Yes</p>	<p>1. What legal provisions does your Member State have in place to comply with Article 26 of the Convention Implementing the Schengen Agreement in conjunction with Directive 2001/51?</p> <p>In Sweden the legal provision is find in teh the Swedish Aliens Act chapter 19 provisions.</p> <p>2. Which national authorities are in charge of enforcing the above measures?</p> <p>The Swedish Police Authority and the Swedish Migration Agency.</p> <p>3. Q3-Q6 refer to sanctions (Article 26(2) CISA in conjunction with Article 4 of Directive 2001/51). In how many cases have fines been imposed (in years 2023, 2024 and 2025*) on the carriers following a refusal of entry at external borders? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>The Swedish Migration Agency is responsible for sanctioning the carrier only when the passenger in question has applied for international protection. During the mentioned period sanctions were issued only to air carriers by the Swedish Migration Agency. *2023; three. *2024; one. *2025; five.</p> <p>4. What was the range of fines imposed?</p> <p>The fine imposed by the Swedish Migration Agency is usually approximately 36 000 SEK per</p>
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			<p>person, in one of the cases regarding a family, fines were imposed only on the adults, not the children.</p> <p>5. How do you explain the gap between the number of passengers being refused entry and the number of sanctions applied on carriers for having transported these passengers?</p> <p>According to national legislation fines can only be imposed if the decision of a removal is made within three months from the day the application for international protection was submitted, this in regard to the decision on expulsion orders made by the Swedish Migration Agency. In some cases fines or sanctions are not imposed upon an assessment of the specific circumstances regarding a case. There are also several more grounds to refuse entry than reasons to impose a fine.</p> <p>6. Were derogations (for instance voluntary payment which can reduce the amount of the fine) applied?</p> <p>N/A</p> <p>7. In how many cases (in years 2023, 2024 and 2025*) was immobilisation as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>It is unclear if this measure ever has been implemented. Data has not been provided.</p>
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			<p>8. In how many cases (in years 2023, 2024 and 2025*) was seizure and confiscation of the means of transport as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>It is unclear if this measure ever has been implemented. Data has not been provided.</p> <p>9. In how many cases (in years 2023, 2024 and 2025*) was temporary suspension as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>It is unclear if this measure ever has been implemented. Data has not been provided.</p> <p>10. In how many cases (in years 2023, 2024 and 2025*) was withdrawal of the operating licence as listed in Article 5 of Directive 2001/51 applied? Please provide data divided by type of operator (air carriers, maritime operators, coach operators). [* Year 2025 - please provide data for the period January - September]</p> <p>It is unclear if this measure ever has been implemented. Data has not been provided.</p>
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