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2025.59 Application of EU rules on carriers' liability in Member States [Part 3: cooperation with carriers and control/supervision]

**European Migration Network
Ad-hoc query**

December, 2025

AD-HOC QUERY ON 2025.59 APPLICATION OF EU RULES ON CARRIERS' LIABILITY IN MEMBER STATES [PART 3: COOPERATION WITH CARRIERS AND CONTROL/SUPERVISION]

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 Poland, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Slovenia, 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. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.
2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?
3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?
4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?

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- 5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.
- 6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?
- 7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?

RESPONSES

		Unrestricted Dissemination ?	
	EMN NCP Austria	Yes	1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly. No. --- Source: Ministry of the Interior

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2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?

Yes.

Source: Ministry of the Interior

3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?

In accordance with Section 2 of the PNR Act (§ 2 PNR-Gesetz), all airlines that transport passengers by air from a third country to or from Austria are required to transmit passenger data to the Passenger Information Unit. Passenger data, including API data, is transmitted electronically via secure communication channels in form of a 24-push (24 to 48 hours before the scheduled departure time) and an O-push (immediately after completion of passenger-related formalities).

The transmission of passenger data by airlines is carried out as provided for in Directives 2004/82/EC and (EU) 2016/81. To date, no fines have had to be imposed for incomplete or late transmission of passenger data, as provided for in Section 10 of the PNR Act.

Source: Ministry of the Interior


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			<p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>It depends on the airport. In Tyrol and Vienna International Airport yes. Upper Austria: in general, the transmission of GenDec data to the border authority Hörsching is working. It is currently transmitted in three different ways:</p> <ul style="list-style-type: none">• Directly to General Aviation at Linz Airport, which forwards the data to the border authority Hörsching• Via the border authorities of Vienna International Airport, which forwards the data to the border authority Hörsching• Via the passenger data system, provided that the private flight operator is connected to the system <p>Styria: All affected flights have been announced via Gendec. Challenges and uncertainties arise when determining whether an aircraft is operated as an airline. Small aircraft sometimes arrive as private aircraft without general declarations. In addition, private aircraft operate flights within Austria (including as flight schools), Schengen and non-Schengen flights. The process for such a declaration (as a General Declaration, or Gendec for short) is not standardised. It can be done via the airport or via other agencies within the MoI, which can transmit Gendec directly to the to the border authority.</p> <p>Salzburg: The obligation of all flight operators to submit a 'general declaration' (passenger list) in accordance with the Schengen Borders Code can currently only be implemented for commercial flight operators, as only commercial flight operators are mentioned in the national implementation of this obligation. A request in this regard was submitted to the MoI during</p>
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			<p>the last Schengen evaluation and is currently being clarified.</p> <p>Carinthia: No, direct submission. For several years, the border authorities have had access to a programme (Skyport) provided by Klagenfurt Airport, which documents all flight movements. All data (arrival, departure, departure time, registration number, departure destination, number of passengers, transport company) is displayed here. If the aircraft is arriving from or departing to a non-Schengen country, the airport is highlighted in colour. This has the great advantage that entry or exit controls to or from a non-Schengen country cannot be overlooked. Carinthian border authorities receive the general declaration from private airlines at irregular intervals by email from the border authorities of Vienna International Airport.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>Sanctions against transport companies are administrative offenses, and transport companies have the option of appealing under the general provisions on administrative penalty proceedings.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases</p>
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			<p>of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>Ongoing (monthly) risk analyses in accordance with CIRAM guidelines. --- Source: Ministry of the Interior</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>Search of planes are only carried out when there is a specific reason to do so. Gate checks are carried out on a regular during arrivals and departures. --- Source: Ministry of the Interior</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>Belgian law provides for the possibility of concluding a Protocol Agreement between the Immigration Office and a carrier. 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 (inadmissible passenger) and ANADs (Accompanied INAD) 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</p>


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			<p>EUR.</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>The Belgian Passenger Information Unit collects PNR and API data (for the air and international bus sectors, effectively – for the train sector, Eurostar is expected to be connected by the end of this year) for law enforcement purposes. The collection of API data for immigration and border control purposes has not yet been implemented in Belgium. A new API law proposal is being drafted and is expected to be adopted in 2026.</p> <p>Not all carriers are yet connected to the Belgian system, which means that some carriers do not yet transmit passenger lists within this framework. Please check the successive annual reports of the National Travel Targeting Center or NTTCC (https://crisiscenter.be/en/role-national-crisis-center/national-travel-targeting-center/nttc) to see the evolution of connectivity to the sectors and carriers.</p> <p>Maritime data (FAL forms) is being collected by the MIK (Federal police).</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>Once notified, a carrier usually complies with the obligation to transmit API and PNR data to the BelPIU. There was only one instance where diplomatic channels were needed. Nonetheless, the technical implementation can take a long time (availability of resources,</p>
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			<p>reactivity, technical mishap, ...).</p> <p>Once connected to the Belgian system, carriers may stop sending data or sporadically fail to fulfill their obligations (usually due to technical reasons). This is usually detected quickly, and the carriers reset their configurations according to the Belgian requirements.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>Yes for general aviation the General Declaration is required to be sent before arrival or departure to the Belgian Federal Police. This can be done via the website (https://www.police.be/bordercontrol/en/general-declaration) or via another electronic manner.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>If the Immigration Office has imposed a fine due to the arrival of an INAD who was not in possession of the necessary documents, the carrier may appeal against this to the independent court that is part of Justice Departement (Dutch: de rechtbank van eerste aanleg / French: Tribunal de première instance) in accordance with Art. 74/4bis, § 5 of the Belgian Immigration Act of 15 December 1980. If the carrier wants to appeal against criminal sanctions, the ordinary criminal proceedings (Criminal Code) apply.</p>
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			<p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>Monthly risk analyses are conducted to identify the itineraries used by third-country nationals who do not meet the entry conditions. These analyses provide enhanced insight into specific airlines and points of origin utilized by this category of travelers.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>Gate checks are carried out on a daily basis and searches of ships are carried out based on risk analyses.</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>The obligations related to the transportation by land, air, or water of foreigners to and/or from the Republic of Bulgaria are set out in the Law on Foreigners in the Republic of Bulgaria. Air carriers are required, at their own expense, either independently or through an authorised service provider, to transmit data for the passengers and the cabin crew to the National Reservation Unit for all flights to, within, or from the Republic of Bulgaria.</p>

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			<p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>Carriers must submit passenger lists in advance.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>According to Article 64c of the Law on Civil Aviation, air carriers are obliged to transmit the reservation data of passengers they transport to, within, and from the territory of the Republic of Bulgaria to the National Unit for Receiving and Processing passenger reservation data in the Republic of Bulgaria, transported by air, under the conditions and procedures laid down in the Law on the State Agency "National Security".</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>-</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p>
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			<p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>Carriers are familiar with Directive 2001/51. We have no additional Protocols or Agreements in place.</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the</p>

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			<p>arrival ? If not, is there an alternative procedure put in place?</p> <p>In maritime transport, a passenger list is submitted. For buses and passenger trains, there is no obligation to submit passenger lists in advance before arrival. The exception is agency (charter) trains, for which carriers submit passenger lists in advance. For regular passenger trains, there is no such obligation and passenger lists are not submitted.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>Yes, they submit data in accordance with the Directives mentioned above.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>Yes, in accordance with Annex VI of the Schengen Borders Code, in the case of private flights from or to third countries, the border police receive a general declaration.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>Yes, carriers have the right to appeal, in accordance with the provisions of the Misdemeanor</p>
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			<p>Act.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>All Police Stations are obliged, based on the information and data collected, to prepare a risk analysis in accordance with the profiles.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>Searches of aircraft and ships are conducted in accordance with risk assessments.</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>No.</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p>

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			<p>Yes. This is ensured through the OBZOR Information System managed by the Police of the Czech Republic.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>The Police of the Czech Republic process API data in the OBZOR application, which is used by all inspectorates of the Foreigners Police. Selected PNR data are transmitted by the Passenger Information Unit (PIU, NCOZ).</p> <p>This year, the European Commission adopted two new EU Regulations on API data (for law enforcement purposes and for strengthening and facilitating border checks).</p> <p>The second API Regulation for law enforcement purposes will be implemented into the PNR application. The launch under the new EU Regulations is planned after 2030. Following implementation into national legislation, an upgrade of the OBZOR application is expected, or a new system for API data use may be created.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>Yes, if this refers to the "Request for Border Control". These requests are submitted via the OBZOR system and processed by the competent Foreigners Police inspectorates.</p> <p>The current system is outdated. An upgrade is expected after the implementation of the new EU Regulations on API data into national legislation and subsequent introduction of the Regulation for strengthening and facilitating border control, or possibly the creation of a</p>
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			<p>completely new application for API data processing.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>Yes. The effective rights of defence and appeal for carriers are established under Act No. 250/2016 Coll., on Liability for Offences and Proceedings Thereon, and Act No. 500/2004 Coll., the Administrative Procedure Code.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>No additional analyses are generally carried out regarding carriers, countries of origin, or routes related to specific cases.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>Gate checks are planned based on the evaluation of incoming API data in the OBZOR police system (for example, at Václav Havel Airport Prague, on average 4–5 flights per day, depending on the season and flight traffic), as well as on risk analysis of destinations or flights.</p>
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			<p>A mobile secure platform is also used, which provides police officers in the field with access to information systems.</p>
<p>EMN NCP Estonia</p>		<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>No.</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>Yes, API information is forwarded after the departure from port/airport. In Estonia, there is no obligation for carriers to forward/provide lists of bus passengers before the arrival.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>API yes. Regarding PNR, not all carriers send us lists.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p>

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			<p>Yes.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>Yes, they are guaranteed under the Code of Misdemeanour Procedure §19 (https://www.riigiteataja.ee/en/eli/501082025007/consolide). Rights and obligations are explained during the proceedings, including the right to defence, etc.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>The Police and Border Guard Board analysis office prepares an annual risk analysis, which identifies flight routes where illegal immigrants (including undocumented foreigners) have been caught.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>Cargo ships are inspected on board. At present, we do not have any passenger ships from third countries.</p>
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	EMN NCP Finland	No	Response is marked as EMN Sensitive
	EMN NCP France	Yes	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>No</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>Yes, for maritime carriers.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>The National Travel Data Agency manages API/PNR data. The API-PNR France system (Art. L.232-7 et seq., Art. R.232-12 et seq. of the CSI) is a tool for reporting individuals who are wanted or under surveillance at air borders.</p>

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			<p>This system requires airlines to transmit the registration (API) and reservation (PNR) data of their passengers and crew for trips to and from French territory to the national Passenger Information Unit (Unité Information Passagers , UIP), which is part of the National Travel Data Agency. Only personnel assigned to this unit can access this data and respond to requests from operational services.</p> <p>The Border Police may either query the API/PNR system for the purposes of preventing or prosecuting offenses, preventing and detecting terrorist offenses and serious forms of crime, and investigating and prosecuting such offenses, or be notified by the UIP of a positive hit following a comparison with the police files queried.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>At Paris-Le Bourget Airport, FBOs (Fixed Base Operators) act as intermediaries between pilots and border police. They collect the necessary information (passengers, crews, itineraries, etc.) and send it to the Roissy border police via a dedicated email address.</p> <p>FBOs may not receive the information from carriers in time, but they rectify the situation before the aircraft departs or arrives.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>The process for investigating fines imposed on carriers allows carriers to consult the investigation file (report of the offense, refusal of entry, and all other supporting documents)</p>
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and to submit comments before the fine decision is issued. Once the fine decision has been issued, an appeal may be lodged with the administrative court within two months of the date of notification of the decision to the carrier (the appeal period may vary if the company is located overseas or abroad). The administrative court will issue a judgment. If either party is dissatisfied, it may appeal the decision to the administrative court of appeal, which will issue a ruling. Finally, either party (or both) may appeal to the Council of State, the highest level of administrative jurisdiction in France.

6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?


Risk analyses are carried out to identify high-risk stopovers (airlines and flights) and highlight passenger profiles: nationality, age, travel document used, modus operandi, and routes taken. This allows new trends and/or developments to be identified.

On an operational level, thanks to the risk analyses carried out and research work, based in particular on the use of border police files and travel data on passengers presenting a migration and/or document fraud risk, the specialized mobile brigades will target their checks at the aircraft door accordingly.

7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?

At Orly Airport: 1,337 flights were checked at the gate over the 10 months of 2025, representing between 4 and 5 flights per day.

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			<p>At Roissy Airport: The Mobile Immigration Brigade checks between 140 and 180 flights per week, representing an average of 160 per week.</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>Memoranda of understanding have been signed with three airlines, and negotiations are underway with two others.</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>No information available.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>Yes, to a large extent. In Germany, both API and PNR are effectively transmitted by air carriers to the competent authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681. Remaining gaps are limited and under remediation.</p> <p>Data quality issues (name spellings, document numbers, dates of birth, nationalities, duplicates, split/merged PNRs).</p>


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			<p>Timeliness and completeness (late changes, incomplete final boarding information, delayed PNR updates).</p> <p>Technical heterogeneity across DCS, code-shares, mapping errors, and occasional instability of some carrier push connections.</p> <p>Data consolidation due to different origins, quality, and grade (PNRGOV, PAXLST, tour operators, online booking, ground handlers, self-check-in).</p> <p>Coverage gaps in special operations (ad-hoc charters, business/GA, private flights).</p> <p>Governance/enforcement limits within carriers leading to inconsistent internal processes and the need for manual follow-up.</p> <p>Data gaps due to incomplete collection by travel agents: In many cases, basic contact information such as email addresses and phone numbers are not fully collected or passed on by travel agents during booking. This leads to unavoidable gaps in the PNR data, over which airlines have limited influence due to incomplete data from the travel booking process.</p> <p>Complete lack of several critical Passenger Name Record data (e.g. no contact information for major airlines¹, no billing address for certain carriers², no relevant payment information for a majority of passengers for certain airlines³), although carriers may hold such data.</p> <p>¹ e.g. no email addresses for Eurowings ² e.g. Iberia ³ e.g. for Qatar Airways "form of payment" is unknown or miscellaneous for about 75% of</p>
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			<p>passengers</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>No systematic deficiencies in transmission are known here. The transfer required under the Schengen Borders Code was updated at national level in the Aeronautical Information Publication (AIP) in 2024. In principle, the possible sanctions for potential violations could pose a challenge in the future.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>The notices to be issued to the transport companies shall include information on the right of appeal. Before bringing an action before the administrative courts, the law provides for a new review procedure ("appeal procedure") at the administrative level. The appeal against the threat and imposition of financial penalties ("penalty payments") has no suspensive effect. Transport companies can apply to the court for interim legal protection to suspend the enforcement of these notices.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p>
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			<p>No risk analysis is carried out in relation to specific transport operators.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>No statistical data is raised.</p>
	<p>EMN NCP Greece</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>N/A for the Hellenic Civil Aviation Authority (HCAA).</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>N/A for HCAA.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p>

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			<p>YES.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>N/A for HCAA.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>HCAA has stated in its contribution that, according to the Code of Immigration (paragraph 3 of Article 25 of Law 5038/2023), against the decision imposing a fine for transporting passenger who do not possess valid travel documents, the interested party may file an administrative appeal before the Minister of Infrastructure and Transport within a period of 30 days from its notification.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>N/A for HCAA.</p>
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			<p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>The gate checks are 100% for arriving passengers.</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>No</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>No, and there is no alternative procedure.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>Yes</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators</p>

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			<p>(i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>Yes</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>An appeal against a decision imposing a public order fine may be lodged with the head of the National Police Headquarters within fifteen days of its notification, and must be submitted to the authority that issued the decision. The appeal shall be assessed by the National Police Headquarters, against whose decision no further appeal may be lodged. An administrative lawsuit may be initiated against the decision of the National Police Headquarters on the grounds of a violation of the law within thirty days of its notification.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>We use an analysis based on the European Union's common risk analysis model (CIRAM).</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>The Airport Police Directorate conducts nearly 3,000 gate checks annually on flights arriving from destinations outside the Schengen area that are considered high-risk, with the aim of screening out individuals suspected of illegal migration based on risk analysis and profiling. The checks focus on the existence, authenticity, and validity of documents and are carried out</p>
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			<p>using a manual document inspection device.</p> <p>During border checks, the inspection of buses, including their passenger compartments and luggage storage areas, shall be carried out by police officers trained for search activities, taking into account the results of prior risk analysis. Where necessary, such inspections may be complemented by the use of manual search devices or detection dogs. The verification of passengers' identity and their right to enter or leave the territory shall take place in the border crossing point terminal after the passengers have disembarked from the bus.</p>
	EMN NCP Ireland	No	Response is marked as EMN Sensitive
	EMN NCP Italy	Yes	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>There are no specific protocols, agreements or memorandum of understanding in place. Carrier liability, in addition to being provided for in Article 26 of the Convention Implementing the Schengen Agreement and in Annex V, Part A, of the Schengen Borders Code, is also expressly regulated under national legislation (Article 10, paragraph 3, of Legislative Decree No. 286/1998).</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p>


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			<p>Italy has no external land borders. At maritime borders, carriers provide advance passenger information in accordance with Annex VI of the Schengen Borders Code.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>With regard specifically to Advance Passenger Information (API), which falls under the remit of the Border Police, no particular issues are currently reported.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>Yes. The Border Police Offices have not reported any particular issues to this Service concerning the receipt of General Declarations.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>Please note that a refusal of entry at the border is an administrative measure against which the carrier is not entitled to present an appeal. Conversely, carriers may present an administrative or judicial appeal against sanctions imposed for violations of the rules on Advance Passenger Information (Article 24 of Legislative Decree No. 53/2018) or for failure to comply with the obligations to verify the documents required for entry into the national territory (Article 12(6) of Legislative Decree No. 286/1998). Rights of defence and appeal</p>
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			<p>against administrative measures, in addition to being indicated in the measure itself, are mainly governed by the Code of Administrative Procedure (Legislative Decree No. 104/2010) and by Presidential Decree No. 1199/1971. Specifically, jurisdiction for judicial appeals lies with the Regional Administrative Court (TAR), whereas jurisdiction for administrative appeals lies with Italian Civil Aviation Authority (ENAC) for sanctions relating to Advance Passenger Information, or with the Prefect of the province where the Border Police Office issuing the sanction is located, for sanctions under Article 12(6) of Legislative Decree No. 286/1998.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>The Border Police Offices use Advance Passenger Information within the limits permitted by the applicable legislation and therefore do not obtain additional information that is specific to Passenger Name Record (PNR) data. The risk analysis carried out consists in the systematic screening of flights identified as presenting higher levels of risk and aims to determine in advance, through indicators such as the passenger's nationality or type of travel document, whether any passengers match a relevant risk profile. This enables optimisation of workflow and the organisation of operational activities.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>There is no fixed or approximate frequency for carrying out gate checks. This varies from one office to another and depends on multiple factors, such as the type of threat to be addressed and the infrastructural characteristics of the airport concerned. The organisation of these</p>
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			<p>activities - within a broader framework that generally involves the coexistence of multiple threats and operational needs - follows a strict cost-benefit rationale and is preceded by a risk analysis.</p>
<p> EMN NCP Latvia</p>		<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>The obligations of carriers regarding the conditions for transporting TCNs from third countries, as well as liability for failure to fulfill these obligations, are set out in the Immigration Law. There are no separate agreements or memoranda.</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>In accordance with the requirements set out in the Schengen Borders Code and the Convention on the Facilitation of International Maritime Traffic (FAL Convention), a ship subject to border control shall submit Form 5 (crew list) and Form 6 (passenger list) of the FAL Convention using the International Cargo Logistics and Port Information System.</p> <p>In accordance with the requirements set out in the Schengen Borders Code and in the Cabinet of Ministers Regulation "Regulations on Port Formalities", the aforementioned lists shall be submitted at least 24 hours before the ship enters the port or, if the duration of the voyage is less than 24 hours – no later than the ship's departure from the previous port, or in cases where the next port is unknown or changes during the voyage – as soon as the information</p>

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			<p>becomes available.</p> <p>International rail passenger transport is currently not taking place. However according to Cabinet Regulation the railway owner or operator shall immediately inform the competent authorities located at the relevant railway border crossing point of the planned arrival of such rail transport at the railway station that crosses the external border.</p> <p>The SMPS regime ensures that border control on the railway is carried out physically or in the form of document verification (ticket + passport), and not through data transmission.</p> <p>Air carriers provide passenger data to the state control authorities electronically in API format before arrival, as required by regulatory enactments. Physical passenger lists are not transferred to the State Border Guard, as data exchange takes place automatically and centrally. Such an approach ensures an efficient flow of information and meets modern security and data protection requirements. An alternative procedure is direct data transfer through secure systems monitored by competent authorities.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>Yes.</p> <p>The State Border Guard automatically receives and processes advance passenger information (API) data through the State Border Guard electronic information system.</p> <p>The scope and processing procedure of API data are determined by the Law "On Aviation" and the Law "Carrier's Obligation to Provide Passenger Data", which stipulates that a carrier operating international flights from a third country to Latvia, upon request of the State Border Guard, is obliged to submit data on passengers who will be transported to a specified state</p>
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			<p>border crossing point through which these persons will enter the Latvia immediately after the completion of passenger boarding registration.</p> <p>Air carriers ensure the transfer of both API and PNR data to the responsible authorities, in close cooperation with the State Border Guard and the State Security Service. The PIN unit monitors the data flow, and if any disruptions occur, immediately resolved. New technical solutions are constantly being developed to improve the efficiency and security of data transfer.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>Yes.</p> <p>When operating private flights from or to third countries, the captain before take-off shall send to the border guards of the Member State of destination and, where appropriate, to the border guards of the Member State of first entry, a general notification containing, inter alia, the flight plan, as well as information on the identity of the passengers, in accordance with Annex 2 to the Convention on International Civil Aviation.</p> <p>The procedure is usually described in the flight operation manual of each aircraft operator. Passenger screening before the flight contract is concluded is an important part of this process. Passenger screening systems, such as the KYC (Know your customer) system or others, may be used.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p>
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			<p>The right to appeal a decision made in an administrative violation case, as well as the procedure for appealing this decision, is determined in the Administrative Liability Law.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>Risk analysis carried out by State Border Guard in accordance with the Common Integrated Risk Analysis Model method developed by Frontex.</p> <p>The operational level, threats, vulnerabilities and impacts are identified, described and quantified. As a result, risks are identified and actions resulting from risk analysis (e.g. tactical warning, order based on risk analysis), which determines which carriers and which routes require special attention, thus directing personnel resources to more effective border control. At the tactical level, decisions are made in real time, guided by daily situational changes, as well as by conducting personnel briefings before deployment.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>According to the Schengen Borders Code, border checks on board aircraft or at the exit from an aircraft shall not normally be carried out, unless justified by threats to internal security and/or illegal immigration.</p> <p>The frequency of checks on ships using mobile inspection equipment depends on the risk level assigned to it, which is carefully assessed on the basis of the data submitted.</p> <p>In the case of a low-risk ship, the necessary checks are carried out electronically only in certain cases upon boarding. In the case of a medium or high-risk ship, all necessary checks are carried out on board the ship using mobile inspection equipment. Checks using mobile</p>
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			inspection equipment are carried out on approximately 33% of ships subject to border checks (on-board checks).
	EMN NCP Lithuania	Yes	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>No</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>No, such passenger lists are not received, and no alternative procedure is in place.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>Yes. PNR lists are received and processed by the police, and the State Border Guard Service works with API lists.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p>

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			<p>The declaration is systematically submitted.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>Article 28 of the Law on the Fundamentals of Transport Activities (TVPI) establishes the right of carriers to appeal against imposed fines.</p> <p>A carrier that has violated the provisions of the Law and disagrees with the decision of the State Border Guard Service or the police to impose a fine may lodge an appeal in accordance with the Law on Administrative Proceedings of the Republic of Lithuania. The submission of such an appeal suspends the execution of the decision imposing the fine.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>A local risk analysis is carried out to identify routes from which foreign nationals most frequently arrive without the required travel documents.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p>
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			<p>Depending on risk factors, random checks are occasionally carried out during which officers visually inspect travel documents.</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>NO. The obligations are established by articles 107 and 108 amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) and the sanctions are established in article 147 and 148 of the same law</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>N/A. Luxembourg only has an external border that is the Luxembourg International Airport so articles 107 and 108 of the Immigration Law only apply to air transport companies.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>YES.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for</p>

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			<p>extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>YES.</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>YES. Article 108 (3) of the Immigration Law foresees that 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 in charge of Immigration and Asylum, which shall be duly reasoned, may be subject to an appeal for annulment and reformation. A risk assessment is made by the Border Control Service (UPA-SCA) to ensure safe flight conditions for the return of the refused TCN passenger and the flight as a whole.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>A risk analysis based on Art 29 of EU regulation 2019/1896 and in line with Frontex CIRAM (Common Integrated Risk Analysis Methodology) is made by the Risk Analysis Unit of the UPA-SCA, in order to foresee and mitigate potential threats on air carriers and flight routes.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile</p>
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			<p>equipment) upon arrival of the means of transportation?</p> <p>That depends on the flights and the intelligence that the airport police have. Normally, the Grand Ducal Police are waiting outside of the gate the arrival of some specific flights (i.e. Athens) in which irregular migrants are traveling with false identity documents.</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>Yes. The Netherlands uses a mix of legal obligations (transposition of the EU carriers'-obligations rules into national law, including the duty to return, duty of care, obligation to take copies of travel documents and to pass on passenger data). Where needed the government also uses account-managers and working groups with carriers to operationalise those obligations.</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>In regards to maritime (seagoing/commercial vessels & cruise ships): yes — ship operators must provide passenger lists and pre-arrival information (IMO FAL passenger manifest / SSPI and national passenger-manifest forms). Reporting deadlines are set (typically at latest 24 hours prior to arrival, or earlier for crossing external Schengen borders / when journey Coaches and ferries: passenger/nominal lists can be required and in practice port authorities /</p>

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			<p>border police may require manifests for international ferries; reporting and checks are organised according to the facilitation/port rules and national border practice (often 24-hour / nominal-list provisions in EU reporting guidance apply).</p> <p>International trains: there is no public rule that all international trains send full nominal passenger lists to Dutch border authorities before arrival; instead checks on international trains are carried out, on the basis of risk analysis and intelligence, and additional pre-checks can be performed where necessary. If an authority needs lists for an operation it can normally request them.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>Yes — implemented and operational. The Netherlands has implemented API (Advance Passenger Information) and a Passenger Information Unit (Pi-NL) to receive and analyse PNR data. Airlines send API to the Royal Military and Border Police (Koninklijke Marechaussee, KMar/Targeting Centre Borders) and send PNRs to Pi-NL via secure connections; the Pi-NL assesses PNRs for links to terrorism/serious crime and passes leads to police/prosecution when required. Implementation follows the API Directive and the PNR Directive framework. Practical / operational challenges: typical challenges that appear in Dutch / EU material are: multiple transmission points historically (now being replaced by a router concept at EU level), data quality/format differences between carriers, privacy/retention concerns and legal safeguards (GDPR / national rules), and occasional technical/operational delays in receiving full PNR records (e.g. timing of transmissions — industry and authorities have different timing cycles). The Netherlands has worked to address these (Pi-NL rules, API-guidelines, router proposals).</p>
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4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?

Yes- for General Aviation (GA) that crosses external Schengen borders, (submission method differs) electronic GenDec systems are used. General aviation pilots arriving/leaving the Netherlands must submit a General Declaration (GenDec) / GAR to the Royal Netherlands Marechaussee; the KMar provides guidance and accepts GenDec submissions (e.g. via gendec.eu). In practice the obligation exists and is used routinely by private pilots who operate outside-Schengen e.g. UK, flights, though compliance relies on pilots filing the GenDec correctly and in time.

Practical issues / challenges: small GA operators sometimes have variable compliance rates (human error, unfamiliarity with electronic submission tools), and border authorities therefore combine the GenDec requirement with targeted checks and advance notifications to ensure smooth processing.


5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.

Yes. Measures taken against carriers (e.g. fines, cost-recovery for return, administrative decisions) are governed by Dutch administrative and aliens law and can be contested under the General Administrative Law Act / Aliens Act procedures. Carriers (or persons affected by administrative decisions) generally have the right to lodge objections and — if rejected — to bring appeals to the competent administrative court within statutory time limits (standard objection/appeal routes apply; courts and administrative review procedures are available).

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			<p>Criminal prosecution for serious breaches is also possible and follows ordinary criminal procedure.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>The Netherlands uses a combination of automated data-based targeting and intelligence/risk analysis: the KMar Targeting Centre Borders (TCB) and the Pi-NL analyse API/PNR and other datasets (historic movements, watchlists, SIS, national intelligence inputs) to identify high-risk flights/carriers/origins and then trigger targeted controls, pre-boarding checks or requests for additional carrier information. Risk criteria include origin country, routing patterns, PNR/behavioral indicators, prior incidents/links to known smuggling routes, and intelligence from police/customs/Europol/FRONTEX. Border checks and operations are then planned on that risk analysis.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>There is no publicly published fixed universal frequency (e.g. "every X flights/coaches/ships") — checks are risk-based. The Marechaussee states that checks at airports and on international trains are targeted to flights/trains/ships with higher risk indicators; temporary reintroduction of systematic controls is only used in specific situations. For sea vessels and ports, pre-arrival reporting and manifests mean that port/border authorities perform checks according to risk, port security procedures (SSPI) and ship-specific intelligence; for aircraft, security/immigration searches are performed according to security procedures and targeted border operations. Aviation security/airport rules do require aircraft searches and security checks at certain stages (e.g. after servicing/cleaning and prior to passenger boarding), but</p>
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			<p>operational passenger-control (immigration) gate checks on arrival are carried out selectively. In short: searches and gate checks are routine where risk or procedure requires them, but not performed systematically for every means of transport.</p>
<p> EMN NCP Poland</p>		<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>Yes. Pursuant to Article 202a(1) of the Act of 3 July 2002 – Aviation Law, an air carrier operating international passenger flights to or from the Republic of Poland is required to transmit information concerning passengers on board an aircraft that will land in the territory of the Republic of Poland (hereinafter: "the information"). The air carrier transmits the information upon request of the Commander of the Polish Border Guard post competent for the place where the passengers on board the aircraft cross the state border of the Republic of Poland. The Commander of the Border Guard post submits such a request when this is necessary to combat illegal migration or to facilitate border control.</p> <p>The request for the transmission of the information is prepared by the Commander of the Border Guard post in written or electronic form and sent to the air carrier at least one day before the planned arrival of the aircraft in the territory of the Republic of Poland. In justified cases, the request may be sent later, however no later than the start of the ticket and baggage check-in before departure.</p> <p>Pursuant to Article 209(1) of the above-mentioned Act, an entrepreneur conducting business activity in the field of air transport who, contrary to the obligation referred to in Article 202a of the above-mentioned Act: fails to transmit the information — is subject to an administrative pecuniary penalty of PLN</p>

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			<p>22,500;transmits false information — is subject to an administrative pecuniary penalty of PLN 18,000;transmits incomplete information — is subject to an administrative pecuniary penalty of PLN 13,500 — for each flight in which, respectively, the information was not transmitted, false information was transmitted, or incomplete information was transmitted.</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>With regard to maritime traffic, carriers and maritime agents are obliged to provide national control authorities, in particular the Border Guard, with passenger and crew lists in advance, before the ship calls at a port of a Member State.</p> <p>At present, these data are submitted exclusively in electronic form via the National Single Window (NSW) – the National Single Point of Contact, which implements Directive 2010/65/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States. The NSW serves as the central channel for submitting all information and FAL forms, including FAL 5 (crew list) and FAL 6 (passenger list). This system has replaced the previously used national PHICS system (Port Health Information and Control System), which performed a similar function at national level.</p> <p>The obligation to provide passenger and crew lists results from Annex VII to the Schengen Borders Code (Regulation (EU) 2016/399), which requires the ship's master or his/her representative to submit this information in advance before the ship enters the port, in particular: at least 24 hours before arrival where the voyage lasts more than 24 hours, or immediately after departure where the voyage lasts less than 24 hours.In addition, Article 87 of the Act of 18 August 2011 on Maritime Safety imposes an obligation to notify the arrival of a ship,</p>
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			<p>including information on the number of persons on board, no later than 24 hours before entering a Polish port. Currently, such notifications are submitted via the NSW system. Consequently, maritime carriers and ship agents transmit passenger and crew lists in advance through the NSW system, in accordance with the applicable EU and national regulations.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>Yes. In Poland, the rules on the transmission of passenger data by air carriers are governed by Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data and are implemented at the level of Border Guard airport units. The obligation to collect and transmit such data stems from European Union law provisions regulating the exchange of passenger data, as well as from national regulations concerning border control of the movement of persons. Under national law, this obligation is set out in Article 202a(1) of the Act of 3 July 2002 – Aviation Law.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>The Border Guard carries out border checks of persons on private flights in accordance with the provisions of Annex VI to Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), and in accordance with the Act of 12 October 1990 on the Border Guard.</p>
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			<p>Moreover, at the request of the Border Management Board of the Border Guard Headquarters, the Aeronautical Information Publication (AIP) was supplemented: https://www.ais.pansa.pl/publikacje/aip-ifr/.</p> <p>As a result of the actions taken, on 30 November 2023 new provisions were published on the website of the Polish Air Navigation Services Agency in the Aeronautical Information Publication - AIP Poland - Part I - GENERAL INFORMATION (GEN) (Subsection GEN 1.2 "Entry, transit and departure of aircraft"). These new provisions require the aircraft captain to send, to the e-mail addresses of the relevant Border Guard posts responsible for the specific air border crossing point:</p> <p>the General Declaration, and the passenger list, i.e. documents whose templates are set out in the ICAO document - Annex 9 (Facilitation).</p> <p>The General Declaration contains all necessary information concerning the aircraft, its crew, the flight route and other required data referred to in point 2.3.1 of Annex VI to the Schengen Borders Code. The implementation of the above solution is intended to enable the Border Guard to obtain advance information on the arrival of a private aircraft from a third country. However, it does not, in any way, exempt from the existing activities aimed at obtaining information in cooperation with the airport operator, which are intended to ensure an effective border clearance. It is also a result of remarks raised during previous evaluation missions in the Republic of Poland, which indicated, inter alia, non-uniform practices in this area across individual Member States. Similar solutions are in place in Member States.</p> <p>Pursuant to point 2.3.1 of the above Regulation and the AIP provisions concerning private flights, the aircraft captain sends the General Declaration and the passenger list to the e-mail address of the competent Border Guard post responsible for the specific air border crossing point (these are documents whose templates are established in ICAO—Annex 9 Facilitation). Submitting this information allows the Border Guard to conduct a risk analysis prior to the arrival of a private aircraft from a third country, which in turn facilitates the selection of an appropriate form of control (general terminal, VIP/GA terminal, or an apron-side check). In</p>
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addition, where a private flight from a third country bound for a Member State includes an intermediate landing in Poland, the Border Guard carries out border clearance. Border control of private flights includes a comprehensive set of physical activities (document checks; checks of passengers/crew, baggage and the aircraft) and non-physical activities (risk analysis, system checks). Nevertheless, it should be noted that the provision of information on planned arrivals/departures of private aircraft does not always take place in line with procedures (there are cases where the Border Guard is not informed of the arrival or departure of a private aircraft), which results in the Border Guard not carrying out border clearance for the passengers/crew on board the aircraft.

5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.

At present, matters related to breaches of the rules on the transmission of data by air carriers are regulated in Poland by Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data and are implemented at the level of Border Guard airport units.

Under national law, the only authority competent to impose an administrative pecuniary penalty on an entrepreneur conducting business activity in the field of air transport who, due to an error, failed to transmit API data or transmitted incomplete or false data is the President of the Civil Aviation Authority (Prezes Urzędu Lotnictwa Cywilnego).


This is a functional solution, as it relieves the Border Guard of conducting administrative proceedings concerning the imposition of penalties on air carriers, allowing the service to focus on performing its statutory tasks.

Where an entrepreneur conducting business activity in the field of air transport has failed to transmit API information or has transmitted false or incomplete information, the Border Guard prepares a request to the President of the Civil Aviation Authority to impose a penalty on that

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			<p>entrepreneur and attaches the available materials together with the necessary evidence substantiating the grounds for imposing the penalty. Any further administrative proceedings regarding the possible imposition of a penalty are then conducted by the President of the Civil Aviation Authority.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>Pursuant to the Border Guard's internal regulations on the processing of API information, the commander of a Border Guard post determines the assumptions for conducting API information analysis within the post under his/her authority. Before submitting a request to an air carrier, the commander carries out prior verification and a risk analysis focused on combating illegal migration and improving border control with respect to planned flight operations that may be covered by the collection of information from the API system. After identifying specific routes/connections, the Border Guard requests the carriers to transmit passenger lists.</p> <p>Obtaining advance API information enables the Border Guard to streamline the planning and organisation of border checks, carry out risk assessment, and verify and analyse travellers' data, as well as to prevent and counteract illegal migration.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>The Border Guard carries out border checks in accordance with Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 establishing a Union Code on the</p>
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			<p>rules governing the movement of persons across borders (Schengen Borders Code) (OJ EU L 77, 23.3.2016, as amended) and in accordance with the Act of 12 October 1990 on the Border Guard. The Border Guard does not keep records or statistics on conducting border clearance at the aircraft on the airport apron using mobile border-check equipment. Such checks occur on an incidental basis, i.e. on a case-by-case basis, depending on current risk analyses regarding the threat of bypassing border control, operational needs, infrastructural conditions and the prevailing situation, or where required by the circumstances of the service activity (e.g. a report concerning a person in need of medical assistance).</p>
	<p>EMN NCP Portugal</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>Portugal has no protocol, agreement or memorandum of understanding with carriers to ensure compliance with their liability obligations. These obligations arise from the Chicago Convention and other legislation. However, Portugal has protocols with TAP Air Portugal and Euroatlantic Airways concerning flights between Lisbon and Bissau in order to establish pre-boarding operations, with the participation of PSP police officers, to prevent irregular migration into Portugal. This situation arose from the 2013 incident in which the Guinean authorities forced a TAP flight to take off from Bissau with 74 Syrian passengers with false passports.</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the</p>

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			<p>arrival ? If not, is there an alternative procedure put in place?</p> <p>List of passengers and crews are known in advance (normally 48h) only for maritime means of transport, through the Port/Logistical Maritime Single Window. This applies only for ships docking at larger ports where this system is in place for Port movements' management, meaning that for smaller or touristic marinas the movements are announced (mandatory by law) by the marinas' management. Coaches and trains, for Portugal, are within the context of a Schengen border (internal border with Spain), hence knowing the list of passengers only occurs for specific and migratory risk oriented searches and police operations (for coaches/bus only).</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>At the external air border, only API data is received. PNR data is collected by the Passenger Information Unit, in accordance with Law No. 21/2019 of 25 February. No constraints have been identified in these communications.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>Private flight operators effectively and systematically transmit the general declaration required in point 2.3.1 of Annex VI of the Schengen Borders Code, with no constraints reported in its communication.</p>
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5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.

Liability for offences related to the API list falls under administrative liability. The rights of defence and appeal are provided for in the General Regime of Administrative Offences, including the right of defence (hearing) during the administrative offence proceedings, prior to the decision, and the right to judicial appeal before the ordinary courts following the decision imposing the fine.

6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?

Risk analysis applied to borders are based on the Common Integrated Risk Analysis Model (CIRAM), according which the risk is assessed in terms of the threat, vulnerability and impacts. In this case, border posts carry out risk analysis based on migratory routes and taking into account the origin of specific threats. In the case of Portugal, the most pressing threats at the external air border focus on: (i) Document fraud; (ii) abuse of international protection proceedings and (iii) abuse of the authorisation to transit without an airport transit visa.


In addition, reasons for refusal of entry, such as lack of justification/documentation proving conditions of stay and travel objectives, are used to draw up risk profiles and assess the admissibility of citizens into national territory.

By combining all this data, PSP, at a more tactical level, issues alerts to air carriers with the

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			<p>aim of warning them about certain routes and profiles of third-country nationals who may pose a migratory risk. At the same time, a prior vetting procedure called 'OK TO BOARD / NOT OK TO BOARD' is established with airlines that operate along routes identified as migratory risk itineraries. Through this procedure, the airline, based on that profile previously drawn up by PSP, may request an analysis of the passenger's admissibility for boarding. PSP evaluates and issues a non-binding opinion on whether the passenger should be allowed to board or not – the final decision is up to the airline.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>Border control is normally carried out in facilities reserved for passenger control and not inside an aircraft or by its doors.</p> <p>However, based on a risk assessment regarding internal security and illegal migration, checks may be carried out at aircraft doors, known as gate checks (point 2.3.1 of Annex VI to the Schengen Borders Code). In Portugal, gate checks are most prevalent at Lisbon airport, with 307 gate checks carried out between January and September 2025.</p> <p>In relations to either ships or coaches, there is no specific scheduling for such searches. A risk assessment procedure is in place within GNR operational procedures at borders (external and Schengen borders) that signals risk carriers that should be subject to searches. Risk indicators can include the nationality of the ship's flag, known suspicious events involving a ship, port of origin or stopovers, coach origin associated with known secondary movements' routes, among others. Such risk assessment is issued with a 36h, 24h and 12h in advance (risk assessment is constantly refined).</p>
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	<p>EMN NCP Slovakia</p>	<p align="center">Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p> <p>No.</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>The passenger list is not communicated by all airlines – carriers.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>Air carriers communicate Passenger Name Records (PNR) from flights both inside and outside the EU for the purpose of fighting terrorism and serious crime. Advance Passenger Information (API) is collected on all flights outside the Schengen area for the purpose of combating irregular migration and facilitating border controls.</p> <p>The main challenges relate to the quality of the API and PNR data provided, which are collected by air transport entities and subsequently sent to the National Passenger Information</p>

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			<p>Centre. The main problems are the absence of data (the data is not sent at all), the accuracy of the data (the data contains errors – intentional or unintentional) and the accuracy of the data (the data does not belong to the passenger, the passenger uses a genuine and valid document, but of another person).</p> <p>The second main challenge is the lack of cooperation on the part of air carriers, or a passive approach and delays in initiating a technical connection, or a willingness to respond to situations that arise (for example, an airline changes the departure airport that has not been sent by the API).</p> <p>In the context of the enforceability of API and PNR transfers, financial penalties have proven to be ineffective in some cases. It was financially worthwhile for the airline not to communicate anymore, to prolong the communication and then pay a financial penalty.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>As part of operational meetings between the National Passenger Information Centre and the Border Control Department of the Police Force Bratislava Ružinov – Airport, an unsystematic (ad hoc) collection of information on persons on board private aircraft was identified. From the above, the possibility of implementing a systematic and effective solution within the upcoming amendment to the Police Force Act was analyzed. A new obligation is proposed for pilots of private jets - to send information about the persons on board the aircraft electronically, via a secure portal on each arrival or departure outside the territory of the Schengen area to border police officers carrying out border control.</p>
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			<p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p> <p>Yes. Under the Code of Administrative Procedure, they have an effective right of appeal.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>Most often, ad hoc analytical reports with specific data, alerts (for airline, route, nationality data) or early analytical alerts are available – Alerts from higher levels of management.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>Inspections, aircraft controls are carried out before departure. Aircraft checks are generally carried out on combined flights, i.e. arriving from the Schengen area to the non-Schengen area and vice versa.</p>
	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<p>1. Have you established protocols or agreements or memoranda of understanding with carriers to ensure compliance with carrier's liability obligations? If yes, please describe them briefly.</p>


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			<p>No</p> <p>2. Is there an advance communication of the list of passengers for coaches, train and maritime means of transport made by carriers to the national control authorities before the arrival ? If not, is there an alternative procedure put in place?</p> <p>Yes, we apply the National Single Window.</p> <p>3. Are Advance Passenger Information (API) and Passenger Name Record (PNR) data effectively communicated by air carriers to the competent national authorities in line with Directive 2004/82/EC and Directive (EU) 2016/681? If not, what are the main challenges?</p> <p>We fully apply the Advance Passenger Information (API) and Passenger Name Record (PNR). Cooperation with airlines is exemplary, and the transmission of API/PNR data proceeds without major deviations or complications.</p> <p>4. Is the General Declaration, required under Annex VI of the Schengen Borders Code for extra-Schengen flights, effectively and systematically transferred by private flight operators (i.e. pilots) to border authorities? If not, what are the main challenges?</p> <p>Yes</p> <p>5. Does the national legislation establish the effective rights of defence and appeal by the carriers? Please briefly describe it.</p>
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			<p>Under the Police Tasks and Powers Act (Zakon o nalogah in pooblastilih policije – ZNPPol) and the Administrative Procedure Act (ZUP), any physical or legal person affected by a police measure has the right to file a complaint or appeal.</p> <p>The procedure generally works as follows:</p> <p>A complaint (pritožba) can be filed within 8 days to the Ministry of the Interior against an individual police action or decision. The Ministry must review whether the police acted lawfully and proportionately. If the measure also involves an administrative decision (e.g., suspension of a transport license or fine), the person or carrier may also file an administrative appeal under ZUP within 15 days. After exhaustion of administrative remedies, a judicial review can be sought before the Administrative Court under the Administrative Dispute Act (ZUS-1). In essence, Slovenian law provides a two-tier protection system: Administrative appeal to the Ministry of the Interior or higher authority. Judicial review before the Administrative Court to ensure legality and proportionality of police actions. According to Foreigners Act and Minor Offences Act, every person or company has right to appeal as well.</p> <p>6. What type of risk analysis is made regarding some specific carriers' and itineraries to obtain additional information on carriers (and origins) which have been connected with specific cases of third-country nationals travelling to the MS and not fulfilling the entry conditions?</p> <p>At the sea borders, we perform permanent risk analyses using the CIRAM-2.1 methodology, which also covers passengers on cruise ships, cargo ships, nautical tourism vessels. There are no regular ferry connections, nor are there any regular airline connections. For each cargo ship and cruise ship, a separate risk analysis is prepared on the basis of the notification of crew members and passengers and the route of travel, the results of which are</p>
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			<p>taken into account when carrying out border checks. When carrying out border control, we have practically never encountered passengers who did not meet the entry requirements and would have to be refused entry, thereby establishing the responsibility of the carriers. We usually obtain data from the NEO app (for cargo and passenger ships), but we can also obtain it from the agents.</p> <p>Additionally, Local Risk Profiles are issued by Airport Police.</p> <p>7. What is the frequency of search of planes (gate checks) and coaches or ships (with mobile equipment) upon arrival of the means of transportation?</p> <p>According to our estimation, we carry out 250 searches of coaches or ships annually. At the Airport Portorož, we carry out approximately 50 gate checks annually. Because of the size of the Brnik Airport, and low number of non-Schengen flight, the gate checks are not often required. On intra-Schengen flight according to Risk Profiles at LJU Airport all flights from ATH are gate checked.</p>
	<p>EMN NCP Sweden</p>	<p>No</p>	<p>Response is marked as EMN Sensitive</p>

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