

## **SLOVENIA, A NEW SCHENGEN MEMBER**

### **What is the Schengen area and what are its implications?**

#### **Foreword by the Minister of the Interior**

Upon its accession to the European Union in 2004, Slovenia undertook to join the Schengen area and thus enable its citizens to enter other Schengen countries without border control. The Ministry of the Interior made great efforts to make possible for Slovenia and eight new member states to integrate into the Schengen Information System as early as this year. That means that border checks at common EU land and sea borders will be abolished on 21 December 2007 and at air borders in March 2008.

This will result in a number of advantages for the citizens of Slovenia and the European Union. When travelling to Italy, Austria, Hungary and across Europe, you will no longer hear the the words: "Your documents, please!"; you will no longer have to stop at the border. You will be able to travel within the Schengen area without stops or any border controls at state borders.

Dear readers, this brochure aims to answer your questions regarding Slovenia's accession to the Schengen area. It is worth reading since it provides useful information. The accession of the Republic of Slovenia to the Schengen area is a priviledge, but it also implies great responsibility. We are facing new tasks. Slovenia has been entrusted with surveillance of a part of the EU external border. Therefore it has to implement clearly stated Schengen rules applicable to border control and border surveillance. They are aimed to provide for safety of all citizens of the European Union in line with the standards applicable to all countries involved in the external border management.

We are pleased to be able to continue the implementation of the Agreement on Local Border Traffic and Cooperation between the Republic of Slovenia and the Republic of Croatia. Its provisions allow the citizens of both countries to cross the border with identity cards, and local border population to cross the border with special permits. This is important particularly for the Slovenians living along the border with Croatia; with Slovenia's accession to the Schengen area not much will change for them in terms of border crossing.

Dear citizens of Slovenia,

On 21 December 2007, the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia, and Slovenia are joining the Schengen area. This is yet another important historic day for our country since Slovenia is establishing even closer ties with Europe.

Dragutin Mate  
Minister of the Interior

## **Schengen area**

Countries already in the Schengen area are [Austria](#), [Belgium](#), [Denmark](#), [Finland](#), [France](#), [Greece](#), [Italy](#), [Luxembourg](#), [Germany](#), [the Netherlands](#), [Portugal](#), [Spain](#) and [Sweden](#) (EU member states), and associated countries [Iceland](#) and [Norway](#) (members of the European Economic Area – EEA).

The countries due to join the Schengen area on 21 December 2007 (new member states that joined the EU in 2004) are: [the Czech Republic](#), [Estonia](#), [Latvia](#), [Lithuania](#), [Hungary](#), [Malta](#), [Poland](#), [Slovakia](#), and [Slovenia](#).

[Cyprus](#) (EU member state since 2004), [Bulgaria](#) and [Romania](#) (EU member states since 2007) are still preparing to join the Schengen area.

[Ireland](#) and [Great Britain](#) are EU member states but not Schengen members. Closer police and judicial cooperation with the Schengen countries in criminal matters is planned for these two countries in the future.

Furthermore, [Switzerland](#) decided to join the Schengen area approximately at the end of 2008. It will have the same status of an associated country as Norway and Iceland that are also not EU member states. [Liechtenstein](#) is also interested in the implementation of the Schengen acquis.

Future EU member states will also integrate into the Schengen area when they have fulfilled the requirements.

## **Slovenia, a new Schengen member**

The group of the new member states of the European Union that are joining the Schengen area in 2007 (which had 15 members so far) also includes Slovenia.

With its entry into the EU on 1 May 2004 Slovenia took on all the obligations of EU membership, one of which was the establishment of the adequate Schengen regime. Already then Slovenia started partially implementing the provisions of the Schengen acquis, i.e. in the field of visa policy and prevention of illegal immigration. Slovenia was also required to establish security, customs and inspection control at its part of the external EU border with Croatia, and ensure its implementation in line with the EU standards.

The enlargement of the Schengen area to include nine new members is nearing completion now. Slovenia has been preparing systematically to join the Schengen area for several years; the final decision on lifting controls at internal borders will be taken by the Justice and Home Affairs Council in December.

Thus, border checks at borders with Austria, Italy and Hungary are to be abolished, while the control at the Croatian border as the external Schengen border is to be strengthened. Border controls at internal land and sea borders are due to be abolished on 21 December 2007, and at air borders at the end of 2008.

While joining the Schengen area, Slovenia is taking on a very responsible task – to protect the common external border in accordance with the Schengen standards on behalf of all member states. Efficient performance of tasks at the state border is in Slovenia's security interest: with measures both at the external border and within the country we will prevent illegal migration and other forms of cross-border crime.

### **Basic idea of the Schengen area**

The basic idea of the Schengen area is to [guarantee a right to free crossing of internal borders](#). On the other hand, strengthened border control at external Schengen borders especially with a view to stop illegal immigration, drug trafficking, trafficking in human beings and other illegal activities is set up as a counterweight to lifted border controls at internal borders.

In exceptional cases if national security interests demand such actions, a member state can reinstate controls at its internal borders for the required period of time.

In addition to [common rules regulating control at external borders](#) of the Schengen countries carried out at border crossing points and involving citizens directly, the following elements are very important in combating organised crime and ensuring safety in the entire Schengen area: cross-border police cooperation, harmonisation of members' legislation, judicial cooperation in criminal matters, common visa policy, exchange of information within the central Schengen Information System, etc.

These measures are called [compensatory measures](#) as they compensate for reduced security resulting from lifted controls at internal borders. Therefore the Slovenian Police is establishing [police stations for compensatory measures](#) in areas with internal state border and security issues. Their core activity is law enforcement in terms of cross-border crime and illegal immigration.

The police will continue to be authorised to carry out checks within the country including the border area as to whether aliens fulfil the requirements for residence in territories of member states, carry documents for border crossing and residence, etc.

## **Establishment of the Schengen area**

The [Schengen Agreement](#) (i.e. Agreement on gradual abolition of checks at common borders) was signed in the Luxembourg town of Schengen [in 1985](#) by five member states of the European Union (Belgium, France, Luxembourg, Germany and the Netherlands). They wanted to strengthen cooperation between their police and customs authorities and especially provide for faster movement of goods and persons, and shorter queues at border crossing points. The town's name has become a synonym for the abolition of checks at internal borders of the Schengen countries.

Ten years later the first five signatories together with Portugal and Spain established an area, known as the [Schengen area](#), without border checks at internal borders between the parties to the agreement. Later the area was joined by other European countries: Austria, Greece and Italy in 1997, and Denmark, Finland and Sweden in 2001, plus Iceland and Norway as non-members of the EU.

The [Schengen Convention](#) (i.e. the Convention implementing the Schengen Agreement) is even a more important instrument providing for the implementation of goals of the Schengen Agreement.

## **Schengen security policy**

Travelling within the Schengen area is facilitated, while border controls on people at external borders are strengthened. Border crossing is also facilitated for the population living near the border.

- **Procedures at internal borders**

The basic Schengen principle is absence of checks on persons crossing internal borders between the EU member states (regardless of their status as EU citizens or third country citizens). Internal borders can be crossed at any point. But this does not mean that citizens can travel without any documents. Police officers in the EU member states continue to be authorised to check people's identity and to exercise their powers in compliance with the national law, including in border areas.

- **Local border traffic**

Not much will change for the citizens of Slovenia and Croatia living in the border area. These citizens are entitled to be issued with special documents for border crossing and can cross the border at local border crossing points. Those who are entitled to cross the border outside border crossing points (e.g. double owners) will retain that right.

- **Procedures at external borders**

Control on persons is stepped up at external Schengen borders. As a rule, border crossing is allowed only at border crossing points. Sanctions are prescribed for illegal crossing of external borders outside border crossing points and/or operating hours. Control may also be carried out on vehicles and personal belongings of the persons crossing the border.

At big border crossing points and airports member states are required to provide for separate lanes for citizens of the EU, the EEA and Switzerland if possible. It is compulsory at airports to provide for separate lanes for passengers from the Schengen area (lifted border checks) and those outside the Schengen area (crossing the external border, border control still in place).

At the external border, control is carried out in two stages:

- **Minimum border checks** apply to **the citizens of the EU, EEA (Iceland, Liechtenstein, Norway)** and **Switzerland** and their family members. These checks imply only checking citizens' identity and validity of documents.

These citizens need only a valid passport or an identity card in order to cross the border (depending on the country of destination). Their right to travel can be limited in exceptional cases only due to public order, public security or public health.

- **Thorough border checks** are carried out for **all third country nationals**. Police officers check whether these nationals fulfil the entry requirements by means of the Schengen Information System (SIS). The system shows whether there has been an alert issued for the person subjected to a check. Document verification is carried out by a police officer checking the passport or identity card with an optical reader. The device reads the data which are verified automatically both in the national databases and in the SIS. Systematic stamping of the travel documents of third country nationals ensures the verification of the legality and of the duration of their stay in the Schengen area.

In addition to alerts issued for a particular person, police officer check **other entry requirements** such as the validity of passport and visa (if a visa is required), reasonable purpose of the journey, residence conditions, sufficient means of subsistence and means for returning to the country of origin. A third country national who does not meet these requirements is refused entry to the entire Schengen area.

**The common visa policy** applies in the entire Schengen area. This means that a person with a visa issued by a Schengen country can also travel to other Schengen countries. The Schengen members use a common visa form, a common list of third countries whose nationals need visas, and a harmonised procedure for issuing visas.

Further, Schengen countries have harmonized the **entry and residence** requirements for third country nationals in the Schengen area (with regard to maximum duration of stay in the entire territory of member states, right of transit, obligation of police registration, obligation to remove aliens if they do not meet residence requirements, penalties for illegal border crossing, in particular for drivers, etc.).

**What documents are needed in order to cross the state border and to reside in other countries ...**

### ... by Slovenian citizens?

**Identity card.** Slovenian citizens can enter and reside in all EU member states, EEA (Iceland, Liechtenstein, Norway) and Switzerland with a valid identity card or a passport. They can also enter Croatia and Montenegro with a valid identity card on the basis of a bilateral agreement with Croatia and unilateral decision by the Montenegrin government.

**Passport** is still required for travelling to all other countries.

### ... by third country nationals?

**A valid passport and a valid visa** (if required) in order to reside in the entire Schengen area for up to three months.

**A valid passport and a national visa** or residence permit in case of a longer stay.

**Residence permit issued to a third country national by a Schengen country** accompanied by a passport in order to enter other Schengen countries without a visa.

**An identity card** in case of Croatian citizens. They will be allowed to enter Italy, Hungary and Slovenia with an identity card accompanied by a card containing personal data: first name, last name and identity card number. The card will be stamped on each entry into and exit from those countries. Identity cards (accompanied by a special card) are allowed only for Italy, Hungary and Slovenia; a passport is required in order to enter other countries.

## **Schengen Information System (SIS)**

The Schengen Information System (SIS) is a shared digital database containing data on alerts issued for persons and objects. In order to carry out border control at external borders on behalf of all member states it is necessary to provide access to other countries' data on certain individuals and objects. These are data on persons who have been refused entry into the Schengen area, persons who are wanted for arrest or extradition, missing persons, and stolen vehicles and documents, money, weapons, marked banknotes deriving from criminal offences, etc.

These data are recorded in the SIS. Bodies with access to the SIS are the police performing border checks and procedures involving aliens, administrative units when issuing permits to aliens, consular missions when issuing visas, and administrative units and agencies authorised for registration of motor vehicles. Countries enter data into the common database or make queries in the database via their national systems.

The SIS consists of the central section in Strasbourg (C.SIS) and its national copies known as national sections (N.SIS), which are used for making queries and entering data. A specially protected communication network is used for communication. A new alert issued within the SIS comes into effect as soon as all members, that is all national systems (N.SIS), confirm its receipt.

Data on persons are considered personal data and are highly protected. Every individual has a right to access or consult their own personal data entered in the SIS. They may apply in any Schengen country since all national SIS databases are identical to the central database in Strasbourg.

### **Useful links**

Website of the Ministry of the Interior:

<http://www.mnz.gov.si>

<http://www.policija.si>

<http://www.mnz.gov.si/si/schengen>

Website of the Ministry of Foreign Affairs:

<http://www.mzz.gov.si>

Website of the Government Communication Office:

<http://www.ukom.gov.si>

Website of the Information Commissioner:

<http://www.ip-rs.si>

Website of the Legal Information Centre for Non-Governmental Organisations (PIC):

<http://www.pic.si>

Contact us at:



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EU Member States in the Schengen area

Iceland and Norway are also part of the Schengen area

Countries joining the Schengen area on 21 December

EU Member States outside the Schengen area

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The Post of Slovenia issued a special stamp on the occasion of Slovenia's accession to the Schengen area.

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## BORDER CROSSING POINTS AT THE EXTERNAL SCHENGEN BORDER

Note:

- Border crossing point for international traffic
- Border crossing point for interstate traffic
- Border crossing point for international rail traffic
- Border crossing point for international air traffic
- Border crossing point for international sea traffic
- Border crossing point for local traffic

(air) – air border crossing

(rail) – rail border crossing