



ANNEX 39

Assistance in Transit by Land

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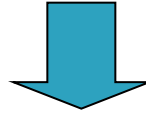
TRANSIT BY LAND

Commission Recommendation 6/XI/2006 establishing a common „Practical Handbook for Border Guards (Schengen Handbook)” to be used by Member States’ competent authorities when carrying out the border control of persons.

defines „ Standard form for recognising a return decision for the purposes of transit by land”

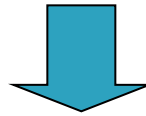


The aim of this document:



To enable executing by an alien a return decision (without an escort)

- Decision which is issued by a competent authority enable to return by land through the other Member State without necessity of obtaining visa



Authority issuing a return decision submits a request to other MS in order to be given permission for a transit of an alien through this requested country



Recognition of Annex 39 has a VOLUNTARY character due to non-binding recommendations

MSs accept and submit requests (13):

Belgium, Bulgaria, Czech Republic, Germany, Greece, Hungary, Latvia, Liechtenstein, Romania, Slovakia, Slovenia, Switzerland and Poland

MSs partially accepting Annex 39:

France – accepts to send requests to other MS but do not accept receiving requests from other MS

MSs do not accept Annex 39 (15):

Austria, Cyprus, Denmark, Estonia, Finland, Island, Italy, Lithuania, Luxembourg, Malta, Netherlands, Norway, Portugal, Spain, Sweden.



Procedure of submitting requests

ANNEX 39



General procedure of submitting requests



1. „Standard Form for Recognising a Return Decision for the Purposes of Transit by Land” is sent Border Guard Headquarters (Voluntary Return Organisation and Dublin Proceedings Unit).
2. Checking a returnee personal data in BG databases.
3. II-RECOGNITION is filled in and sent back to the requesting authority.



Simultaneously, in case of acceptance of a transit by land, personal data of a returnee is entered BG database operated by Border Management Department.

BG officers will be able to follow the instructions if the person appears at border crossing.

[exemplification](#)



General procedure of submitting requests

- ✦ BG officer of a competent Border Guard checkpoint confirms crossing of a border by a returnee putting a stamp of a border control in III-EXIT CONFIRMATION.

[exemplification](#)

- ✦ A stamped FORM is sent back to BG HQ and then forwarded to a requesting authority.

[exemplification](#)



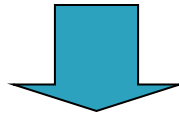
Timing and route

- ▶ Rule: the quickest route to the country of return should be chosen.
- ▶ There is no necessity to notify the requested authority on the name of a border crossing
- ▶ When defining the timing, a sufficient margin of flexibility should be taken into consideration.



Exceeding the period for voluntary return by land

in case of a returnee who exceeded the period indicated
in the request



Apprehension



Executing a return decision issued by other MS according to Directive 2001/40/EC
of 28 May 2001 on the mutual of recognition of decisions on the expulsion of the third
country nationals (implementation to Act on Aliens of 13 June 2003 Chapter 8b)



Costs

- ▶ In case of a person who did not execute transit through the country, he or she is detained and escorted to a border crossing on basis of Act on Aliens (13 June 2003) Articles 94 and 95.
- ▶ Removal operation costs are covered by the returnee.
- ▶ The issuing MS shall compensate the enforcing member state for financial imbalances, which may result from the application of directive 2001/40/EC where expulsion cannot be effected at the expense of the national(s) of the third country concerned.



Statistics 11.2011 - 2012

45 REQUESTS involving 60 returnees

Czech Republic: 39

Germany: 21

Acceptance: 58

Refusal: 2



Statistics 11.2011 - 2012

Nationalities:

Ukrainian 47

Moldavian 4

Belorussian 4

Russian 3

Stateless 2

1 person returned to Lithuania (stateless – had a permission to reside in LT)

4 returnees did not cross the border (no information)

7 returnees – will start their departure



Border Crossings

Korczowa-Krakowiec	19
Medyka-Szeginie	15
Hrebenne-Rawa Ruska	5
Dorohusk-Jagodzin	3
Zosin-Ustulug	1
Sławatycze-Domaczewo	1
Terespol-Brześć	1
Kuźnica-Bruzgi	1



Thank you !