



EMN Ad-Hoc Query on CY Ad-Hoc Query on implementing Council Directive 2004/82/EC

Requested by Tania CHARALAMBIDOU on 10th November 2016

Irregular Migration

Responses from Austria, Belgium, Blocked / Unknown, Croatia, Czech Republic, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (20 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

Cyprus is in the process of an ongoing internal consultation whether revision of the existing Cypriot legislation (which is in accordance to the EU Acquis) would be necessary, in order to provide for a better legal base to fine carriers in accordance to Directive 2004/82/EC. Having in mind that Cyprus imposes administrative fines for breaches of the Law, we are searching for better ways to impose and collect the fines. More specifically, we are interested in seeing the specific competent authorities handling the Directive 2004/82/EC, and under which Ministry (ies) they are subjected, as well as other Member States' practices and/or policy regarding applications in relation to the imposition and collection of fines.

Summary

Cyprus is in the process of an ongoing internal consultation whether revision of the existing Cypriot legislation (which is in accordance to the EU Acquis) would be necessary, in order to provide for a better legal base to fine carriers in accordance to Directive 2004/82/EC. Having in mind that Cyprus imposes administrative fines for breaches of the Law, we are searching for better ways to impose and collect the fines.

The CY NCP launched a query on 10th November 2016 to see the specific competent authorities handling the Directive 2004/82/EC, and under which Ministry (ies) they are subjected, as well as other Member States' practices and / or policy regarding applications in relation to the imposition and collection of fines.

19 MS plus Norway responded to the query (Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom)

Question 1: What are the specific competent authorities handling the Directive 2004/82/EC, and under which Ministry (ies) they are subjected?

The findings of the Ad-Hoc query are multifaceted. Based on the replies provided by 19 MS and Norway, the competent authority to enforce the sanctions is in eighteen (18) of them the Police, in one (1) MS the Department of Civil Aviation, and in one (1) MS the army. Furthermore, the competent Ministry is in sixteen (16) MS the Ministry of Interior, in two (2) MS the Ministry of Justice, and in one (1) MS the Ministry of Defence.


Question 2: Which procedure is followed for the imposition and collection of the fines?


The findings of the Ad-Hoc query are also multifaceted. Based on the replies provided by 19 MS, in eight (8) MS, regarding the ratification type, it is reported that the sanction is an administrative sanction, whereas in other MS simply a penalty or a fine is mentioned. The competent Authority for examining appeals is in three (3) MS the police, in three (3) MS the Ministry of Interior, and in one (1) MS the Department responsible of migration issues. In case the fines are not paid, they can be collected through court procedures in most member-states.

Questions


1. 1. What are the specific competent authorities handling the Directive 2004/82/EC, and under which Ministry (ies) they are subjected?
2. 2. Which procedure is followed for the imposition and collection of the fines?



Responses

	Country	Wider Dissemination	Response
	Austria	Yes	<p>1. Directive 2004/82/EC is implemented in Art. 111 and 112 Aliens Police Act. The information may be requested by the police administration of the respective province (Art. 111 Aliens Police Act and Art. 8 para 1 Border Control Act). The police administrations of the provinces are also responsible for imposing fines (Art. 112 in conjunction with Art. 5 para 1 subpara 4 Aliens Police Act). The police administrations of the provinces are subordinate to the Austrian Federal Minister of the Interior (Art. 4 Security Police Act). The responsibility of air carriers falls within the competence of the Austrian Federal Ministry of the Interior (Art. 127 Aliens Police Act).</p> <p>2. The offence is an administrative offence (Art. 112 para 1 Aliens Police Act). The first-instance procedure before the police administration of the province is regulated by the Administrative Penal Act. The administrative decision may be appealed before the administrative court of the province (Art. 9 Aliens Police Act). The ruling of the administrative court may be appealed before the Administrative High Court and/or the Constitutional Court (Art. 133 and 144 Federal Constitutional Act). The collection of the fine is regulated by the</p>

			Administrative Enforcement Act. Accordingly, the fine is enforced through the competent court upon application of the authority enforcing the fine (Art. 3 Administrative Enforcement Act).
	Belgium	Yes	<p>1. The competent authority handling this Directive is the Belgian border police. The Police is subjected under the Federal Public Service Home Affairs.</p> <p>2. Directive 2004/82/EC is implemented in the Royal Decree concerning the obligation of air carriers to communicate passenger data (11 December 2006). This Decree does not mention fines. However it is mentioned that, as a sanction, it's possible to withdraw, restrain or suspend the operating license or the operating authorization of the air carrier. It should be mentioned that the implementing decisions of this Royal Decree were never taken. So until now air carriers do not communicate their passenger data and are never sanctioned for this. (Source: Royal Decree from 11 December 2006 and Federal Public Service Home Affairs) Note: On 4 October 2016 the Belgian government has tabled a bill concerning passenger data. This bill does not only concern air travel, but also international travel by bus, high-speed train and boat. When this bill will be passed, it will replace the Royal Decree of 11 December 2006. The bill aims to implement the EU Passenger Name Record (PNR) directive (27 April 2016, 2016/681), and part of the directive 2010/65/EU (reporting formalities for ships). The bill foresees the creation of a Passengers Information Unit within the Federal Public Service Home Affairs. The Passengers Information Unit will consist of seconded experts from - inter alia - the police, intelligence services and customs. This bill mentions fines up to EUR 50.000,- as administrative sanctions. In case of recidivism within 2 years, fines up to EUR 75.000,- could be applied. In case of an offense, a senior officer of the Passengers Information Unit will draft a report. A copy of the report will then be sent to the carrier or tour-operator who has committed the offense. A period of one month will be given to the carrier or tour-operator to submit remarks. Then the file (with an advice of a senior officer of the Passengers Information Unit) will be sent to the competent minister or his delegate. The competent minister or his delegate will take a decision (for example a fine) and inform the carrier or tour-operator of this decision. Once again a period of one month will be given to the carrier or tour-operator to submit remarks. Then the competent</p>


			minister or his delegate will take a final decision. (Source: bill of 4 October 2016, articles 45-47).
	Blocked / Unknown	Yes	<p>1. The Police authority is the competent body under the Ministry of Interior.</p> <p>2. (1) Carriers providing travel accommodations to third-country nationals by means of air, water or scheduled road transport shall be required to check the travel document and visa of their passengers before boarding for travelling to Hungary or to another country through the territory of Hungary to ensure that they have travel documents required for entry or for transit, or visas for an intended stay of no more than ninety days. (2) The carrier transporting any third-country national by means of air, water, road or railway transport shall provide for the return of such third-country national to the country of departure or to the country which is liable to accept him/her: a) if its passenger is refused admission to Hungary for lacking any of the requirements specified by law; b) if its passenger is refused admission to another country and is turned back to Hungary; or c) if the carrier to which the passenger was scheduled to be transferred refused to admit the passenger on his means of transport. (3) If return cannot be promptly executed, the carrier in question shall bear all costs incurred in connection with the stay of the third-country national until his/her return. (4) When a third-country national is refused admission and the carrier disputes its obligation to return the person in question or to finance his/her stay, the immigration authority shall adopt a formal resolution to order the carrier to comply. (5) For any failure to comply with the obligation specified in Subsection (1) as set out in specific other legislation, a penalty for the protection of public policy shall be imposed upon the carrier in question. (6) A carrier shall be exempted from the payment of penalty for the protection of public policy if able to verify of having proceeded with due care and diligence to ensure compliance with the obligation of control specified in Subsection (1). Article 91/M (4) The captain of the ship or, in his absence, the person representing the owner of the ship in all respect in relation to his obligations concerning the equipment of the ship, or the enterprise of the same, shall provide preliminary information for the police as specified in subsection 3.1.2 and 4.3 of Annex VI of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) concerning the data of the passengers participating in</p>



			<p>water transport referred to in paragraph (6) who intend to cross the external Schengen borders of Hungary. (5) Transport operators or travel organisers can - based on the passengers' prior consent - provide preliminary information to the police concerning the data specified in paragraph (6) of the passengers participating in road and rail transport who intend to cross the external Schengen borders of Hungary. (6) Pursuant to paragraphs (4) and (5) the police may - for the purposes referred to in paragraph (1) - manage the following data: a) the passenger's surname and family name, date of birth, citizenship or stateless status, number and type of his/her transport document, b) the number of passengers carried on the vehicle/craft, c) the type and plate number of the road vehicle, the train number, the type and - if available - registration number of the watercraft, d) data on the border crossing point through which Hungary's external Schengen border is intended to be crossed and e) the planned date of border crossing, the place of departure and the planned destination of the passengers travelling in the vehicle / on the craft. (7) Paragraph (3) shall apply to data transmitted to the police pursuant to paragraphs (4)-(6).</p>
	Croatia	Yes	<ol style="list-style-type: none"> 1. The Directive 2004/82/EC has been transposed into the Croatian Act on the supervision of the state border (Official Gazette 83/13, 27/16). According to the Act on the supervision of the state border, border police is handling the Directive 2004/82/EC. Border police is subjected under the Ministry of Interior. 2. The Directive 2004/82/EC has been transposed into the Croatian Act on the supervision of the state border (Official Gazette 83/13, 27/16). According to the Act on the supervision of the state border, border police is handling the Directive 2004/82/EC. Border police is subjected under the Ministry of Interior. 3. The procedure is regulated by the Administrative Penal Act (Article 5) and the Act on the supervision of the state borders (Article 43, 45, 46). An appeal may be lodged against such a decision (Article 191). The collection of the fine is regulated by the Article 245 of the Administrative Panel Act. The fine is enforced through the competent court. 4. The procedure is regulated by the Administrative Penal Act (Article 5) and the Act on the supervision of the state borders (Article 43, 45, 46). An appeal may be lodged against such a


			decision (Article 191). The collection of the fine is regulated by the Article 245 of the Administrative Panel Act. The fine is enforced through the competent court.
	Czech Republic	Yes	<p>1. This Directive was incorporated into the Czech legislation by the Act No. 49/1997 Coll., on Civil Aviation, and by the amendment to the Act No. 455/1991 Coll., the Trade Licensing Act, as amended. Section 69 of the above-mentioned Act on Civil Aviation states that the carrier shall be obliged to provide information on request of the Police about the passengers within the specified range. Also, this paragraph imposes obligation on carriers to inform passengers about the collection of personal information and about the reasons why this is happening. The obligation to perform disposal of information is also determined by the Act. This obligation applies both to the carrier and to the Police. Paragraph 4 of the Section 93 also states that the failure to submit these lists or submission of incomplete or false lists is regarded as administrative offence. The penalty is stated in Section 93 (paragraph) 5 a) and counts to 500,000 CZK. The Directorate of the Alien Police Service is the authorized unit for handling these administrative offences. The carrier may appeal against penalty imposition at the Department for Asylum and Migration Policy of the Ministry of the Interior. The entire proceeding is in compliance with the Act No. 500/2004 Coll., Code of Administrative Procedure, which allows making an appeal up to the administrative court.</p> <p>2. The procedure is the same as in the case of previous question, i.e.: The decision is issued after the termination of administrative proceedings, which imposes fine on the carrier in question. Also, a relevant bank account (where the penalty should be sent to) is included in this decision containing all necessary identification details. The decision also specifies when the penalty should be paid once the decision legally comes into force, this period usually counts to 15 days – still this fact depends on the decision of the administrative body. If the penalty is not paid within the specified period, then the case is transferred to the Customs Administration of the Czech Republic which ensures enforcement of penalties</p>
	Estonia	Yes	<p>1. The competent authority is the Estonian Police and Border Guard Board under the Ministry of Interior.</p>


			<p>2. According to the State Borders Act § 173, which regulates failure to communicate passenger data: (1) Failure to communicate or incorrect communication or communication of false passenger data (provided for in section 9 of State Borders Act) is punishable by a fine of up to 300 fine units. (2) The same act, if committed by a legal person, is punishable by a fine of up to 6,400 euros.</p>
+	Finland	Yes	<p>1. In Finland, it is the Border Guard, which is administratively located under the Ministry of the Interior, which is the competent authority handling the Directive 2004/82/EC.</p> <p>2. According to the Act on the Processing of Personal Data by the Border Guard Section 19 Information on persons in a vehicle crossing the border (689/2009) Notwithstanding the provisions on secrecy of information, the Border Guard has the right to obtain from organisations and corporations information contained in registers concerning passengers and crew members of vehicles that is necessary to prevent and investigate offences to be investigated by the Border Guard and to submit cases to prosecutors for consideration of charges, and to ensure border management. This information may also be obtained with the aid of a technical interface as agreed with the controller. The driver of a vehicle entering or leaving the country and crossing the external border shall submit to the border control authorities of the point of entry or exit information on the persons in the vehicle. The captain of a ship or an aircraft, and the owner or holder of a train or another means of transport, or their representative shall submit to the border control authorities of the point of entry or exit the passenger and crew list, or in some other manner information on the employees, passengers and other persons in the means of transport (passenger and crew list), unless the information has already been submitted under section 20 or 20a. This information may be disclosed with the aid of a technical interface. (751/2014) The passenger and crew list shall state the last and first name of each person entered in the list, their date of birth, sex and nationality as well as the nationality and registration information of the means of transport and the place of arrival and departure. Section 20 Obligation of a carrier to submit information on air passengers Besides the provisions in section 19, a natural person or a legal person whose profession it is to provide passenger transport by air (air carrier) shall submit to border control authorities, on their request, information specified in this section on passengers who they will carry to an authorised border crossing point through</p>


			<p>which these persons will enter or leave the territory of the Member States of the European Union (air passenger data). The air passenger data shall include the number and type of the travel document used, citizenship or lack thereof, full name, date of birth, the border crossing point of entry into or exit from the territory of the Member States, code of transport, departure and arrival time of the transport, total number of passengers carried on that transport and the initial point of embarkation. The data shall be submitted electronically or, if this is not possible, by any other appropriate means. The border control authorities may process the data referred to in this section and in section 19 to facilitate border checks, to combat illegal entry and illegal immigration and to attend to other duties laid down for them. The data shall be submitted immediately after the end of check-in. The border control authorities shall destroy the data within 24 hours from their submission after the arrival of the passengers or their departure from the country unless the data are needed for other statutory duties of the border control authorities. Unless otherwise provided, those who have submitted the data shall destroy the personal data they have obtained and submitted to the border authorities within 24 hours from the arrival at the destination of the means of transport. Section 20a Obligation of a carrier to submit information on passengers and crew in vessel traffic and rail transport (751/2014) A natural person or a legal person whose profession it is to provide passenger or goods transport by ship or by rail shall submit to border control authorities the data on passengers and crew referred to in section 19(2–3) prior to arrival to border checks. In rail transport, the data shall be submitted no later than when the train has departed the last station at which it has taken on passengers. The provisions of the Schengen Borders Code and other statutes apply to the obligation to submit information on vessel traffic in advance. Section 20a, which was added by Act 751/2014, comes into force on 1 January 2015. However, it will be applied as of 1 July 2015. Section 21 Sanctions to be imposed on carriers (751/2014) Provisions on the financial penalty to be imposed on carriers who violate the obligation under sections 20 and 20a are laid down in section 179 of the Aliens Act. Section 179 Financial penalties on carriers (1) A carrier who violates the obligation to report laid down in section 173 or the obligation to provide information laid down in section 20 of the Act on the Processing of Personal Data by the Border Guard is liable to financial penalty (financial penalty on a carrier). The penalty for violation of section 173 amounts to 3,000 euros per transported person. The penalty for violation of section 20 of the Act on the Processing of Personal Data by the Border Guard amounts to 3,000 euros</p>
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			<p>per each journey where passenger information is missing or inadequate, or where false information has been supplied. (2) No financial penalty on a carrier is imposed if: 1) the carrier can prove that it has fulfilled its obligation to ensure that the alien held the required travel document and the required visa or residence permit when taken on board; 2) the required travel document, visa or residence permit has proved to be a forgery and the forgery has not been easy to detect; 3) transporting a person without the required travel document, visa or residence permit or the mistake in supplying air passenger data has been excusable, all circumstances considered; or 4) imposing a penalty would be otherwise unreasonable under the circumstances. Subsection 2(1) does not apply to a penalty imposed for violation of section 20 of the Act on the Processing of Personal Data by the Border Guard. According to Section 181 of the Alien's Act, the carrier who fails to comply to the Carriers' obligation to check according to Section 173, a financial penalty on is imposed in conjunction with a border check by the Commander or Deputy Commander of the Border Guard District or Coast Guard District or the head of the Border Guard office or Coast Guard office within whose territory the violation of section 173 of this Act or section 20 of the Act on the Processing of Personal Data by the Border Guard was detected. If the border control authority is the police, the financial penalty on a carrier is ordered by a Commanding Officer of the District Police. If the border control authority is a customs authority, the head of the Customs District or the head of the Enforcement Unit of the Customs District imposes the financial penalty on a carrier. According to Sections 183 and 184, the financial penalty on a carrier shall be paid within one month of service of the decision. The Legal Register Centre is responsible for the enforcement of a financial penalty on a carrier.</p>
	France	Yes	<ol style="list-style-type: none"> 1. The Ministry of the Interior is responsible for the application of provisions of this Directive. Processes against carriers which transport illegal passengers are dealt by services competent for border controls (border police, "gendarmarie" or custom officers). 2. A report is prepared by the person responsible for the service in charge of the border control, in which he mentions the name of the company and the flight details of the journey for which responsibility may be engaged. It specifies the obligations which were not respected by the company and, when appropriate, it may include the company's comments. Reports shall be communicated to the Ministry of the Interior and a copy is provided as soon as possible to the




			<p>representative of the transport company, who shall acknowledge receipt. The Minister of the Interior notifies at the transport company, by registered letter with acknowledgement of receipt, the draft fine. The company may submit written observations and have an access to the records within one month after the draft fine has been sent. The Minister of the Interior shall take his decision, after the expiry of the deadline, taking account of the transport company's observations. A written and duly motivated decision to impose a fine is notified at the transport company by registered letter with acknowledgement of receipt. Each journey for which the company did not respect the regulation is subject to a fine up to 30 000€.</p>
	Germany	Yes	<p>1. For the realization of the Directive 2004/82 / EC, the Federal Police is the competent authority. The Federal Police is subordinated to the Federal Ministry of the Interior</p> <p>2. Directive 2004/82 / EC has been transposed into national law by Section 31a BPolG (Federal Police Code). Infringements to § 31a BPolG are made pursuant to section 69a BPolG. The BPOLP(Federal Police Presidium), as the competent authority, has established a list of cases of breaches and the amount of the fine (for example, passenger data were not transmitted, data were incorrect). The Federal Police shall, in the event of a finding, issue an administrative offense notice and shall forward this and all the means of investigation to the Central Penalty Agency of the Federal Police to punishment. On the basis of the list of facts, the Central Penalty Agency shall issue a fine and shall send it to the airline company.</p>
	Italy	Yes	<p>1. Legislative Decree No 144 of 2 August 2007 , implementing Directive 2004/82/EC on the obligation of carriers to communicate passenger data, establishes the conditions and terms to be complied with by carriers in communicating data on passengers carried on Italian territory to border police.</p> <p>2. In particular, this Decree (Article 3) provides that, on request of the border police, carriers have to collect and forward data on passengers who cross the border crossing points authorised by the Italian State by the time provided for check-in procedures. Such data include: number, type and expiry date of the travel document used; nationality; full name; date and place of birth; border crossing point of entry into Italian territory; flight number; date of departure and of</p>


			<p>arrival; departure time and flight duration; total number of passengers on that flight; and place of initial departure. Carriers that do not forward required data to the authority are punishable with a fine from € 5000 to € 50,000A for each journey for which they failed to communicate passenger data. The same fine is applicable if the data sent are incomplete or wrong. Then, by Inter-ministerial Decree of 16 December 2010, Identification of technical and operational ways for air carriers to communicate the data specified in Article 3 of Legislative Decree No 144 of 2 August 2007, at the Ministry of the Interior, Department of Public Security, Immigration and Border Police Central Directorate, an information system (Border Control System Italy) was set up in order to collect and process such data. This information system consists of two electronic archives: (a) archive of the list of passengers and of flight data; b) archives of the alerts concerning passengers carried on routes and flights at risk. Data processing is performed by the Immigration and Border Police Central Directorate, under the responsibility of the Department of Public Security of the Ministry of the Interior.</p>
	Latvia	Yes	<p>1. The competent authority responsible for handling the Directive 2004/82/EK is the State Border Guard of the Republic of Latvia, which is under supervision of the Ministry of Interior. Requirements of the Council Directive 2004/82/EC of 28 June 2001 on the obligation of carriers to communicate passenger's data are laid down in the Immigration Law and Latvian Administrative Violations Code. In accordance with Article 114.3 of Administrative Violations Code in case of failure to provide the requested passenger information, provision of incomplete or incorrect information to the State Border Guard, if done by a carrier, who performs carriage by air transport from a country that is not a Member State of the European Union or European Economic Area to the Republic of Latvia, a fine shall be imposed on the carrier –a natural or legal person – in an amount from 3100 up to 5100 EUR. Article 21 of the Immigration Law defines that the carrier (air, land and sea) must ascertain that the foreigner, whom the carrier transports, has documents that allow him/her to enter the territory of the Republic of Latvia. In accordance with Section 226.1 of the Latvian Administrative Violations Code the State Border Guard shall examine administrative violation matters provided for in the Section 114.3 of the Latvian Administrative Violations Code and impose administrative fines.</p>

			<p>2. In accordance with Article 238.1 Administrative Violations Code upon receipt of an information indicating on possible administrative violation the authorised persons within a period of three working days shall take a decision on initiation of proceedings in administrative violation case or on refusal of initiation of proceedings in administrative case or on the transfer of the materials in accordance with jurisdiction. A decision on initiation of proceedings in administrative violation case can be taken by drawing up an administrative violations protocol. An authorised person shall draw up an administrative violation protocol regarding an administrative violation committed. A violator shall pay the fine not later than within 30 days from the date, when the decision regarding the imposition of the fine was issued to him or her, but, if this decision is appealed or a protest is submitted regarding such – not later than within 30 days from the day, when it was notified of the appeal or protest rejection. A fine that is imposed regarding an administrative violation, shall be paid by the violator into a bank institution. If the decision on the imposition of an administrative fine is not executed voluntarily, within one month after the expiry of the term defined for voluntary execution of the decision the decision shall be transferred to the executive body (bailiff).</p>
	Lithuania	Yes	<p>1. The Law of the Republic of Lithuania on the Basics of Transportation Activity (hereinafter: the ‘Law’) implements Council Directive 2004/82/EC of 29 April 2004. The Law provides for obligations and liability of carriers, time limits for the examination of cases, decisions taken upon examining a case, penalties for carriers, payment of financial penalties and their recovery, appeal against resolutions imposing the penalties. Under the Law, the State Border Guard Service (SBGS) under the Ministry of the Interior of the Republic of Lithuania examines cases and imposes penalties on carriers.</p> <p>2. In implementing Directive 2004/82/EC, the Law provides that at the request of the SBGS, a carrier engaged in passenger transport by air must, by the end of check-in, transmit information concerning the aliens whom the carrier will carry to a border crossing point through which these aliens will enter the territory of the Republic of Lithuania from the countries other than the European Union Member States. If the carrier fails to comply with this obligation, the same procedure as described above must apply: Upon detecting a violation, officers of the SBGS draw up a record of offence. Parties to proceedings are, no later than five working days prior to the</p>

			<p>examination of a case, given a written notice of detected violations, the venue and time of the examination of the case, are also offered access to the material of the case and the possibility to provide written explanations. Other participants in the proceedings are notified of the venue and time of the examination of the case in writing no later than three working days prior to the examination of the case. The SBGS examines cases and imposes financial penalties no later than within one month from detection of a violation. A carrier must pay the financial penalty imposed by a SBGS officer to the state budget no later than within one month from dispatch of the resolution. The penalties unpaid by carriers are recovered by judicial officers by enforcing the resolutions served by the SBGS in accordance with the procedure established by the Code of Civil Procedure of the Republic of Lithuania. The resolutions are served for enforcement no later than within one month from the expiry of a deadline for the payment of a penalty (Article 27 of the Law).</p>
	Luxembourg	Yes	<p>1. The Grand-Ducal Police makes the determination of the violations in regards with article 108 and 148 of the amended Law of 29 August 2008 on free movement of persons and immigration. The Ministry in charge of Immigration will take a motivated decision on the basis of the report drafted by the Grand-Ducal Police and the written observations of the airline. The Treasury will collect the fines.</p> <p>2. The information required by article 2 of the Grand-Ducal regulation of 21 December 2006 published in the Memorial n° 230 of 27 December 2006 is the following: 1. The number and the type of travel document used; 2. Nationality of the passenger; 3. Full name; 4. Date of Birth; 5. Border entry point that will be used to enter Luxembourg. 6. The code of the transport; 7. Time of departure and time of arrival; 8. Total number of passengers transported; 9. Point of initial boarding This information must be transferred to the Grand-Ducal Police electronically or by any other appropriate means (art. 3). The responsible person for dealing with the information is the Director General of the Grand-Ducal police. 24 hours after the passengers have entered the territory the Grand-Ducal Police deletes the information except if they will be required in order to exercise the powers under article 33 and 34 of the amended law of 31 May 1999 on the Police and the General Inspectorate of the Police. If there is a violation of article 108 in regards to article 148 (1) of the amended Law of 29 August 2008</p>

			the police will draw a report directed to the Minister in charge of Immigration, who will impose the sanctions. The decision of the Minister has to be motivated and can be appealed before the First instance Administrative Court.
	Netherlands	Yes	<p>1. In the Foreigners Decree, Article 2.2a, it is noted that civil servants belonging to the Dutch Royal Marechaussee and responsible for border security, are the ones handling the Directive 2004/82/EC. This organization is subjected under the Ministry of Defence. For their task related to border management they act under the authority of the Ministry of Security and Justice</p> <p>2. Since 2009 the API-directive 2004/82/EC is being applied. So far, no fines related to this directive have been given. After a booking by the Dutch Royal Marechaussee, the Public Prosecution Service (Ministry of Security and Justice) is the authority that makes the decision on those bookings. The airline companies can object to decisions of the Public Prosecution Service, and have the possibility to bring their case to court. Generally, it is also possible to appeal against decisions made by the judge. In all cases Airline companies can be assisted by a lawyer. So far in the Netherlands no fines are issued. After the implementation the Dutch Royal Marechaussee warned airlines who did not act according to the directive. Those warnings were sufficient.</p>
	Slovak Republic	Yes	<p>1. Border Control Units of the Police Force located at the border crossing are responsible for handling this in the Slovak Republic. The appellate body is the subordinated body at the regional level which are competence of the Ministry of Interior of the Slovak Republic.</p> <p>2. According to the Act on Residence of Aliens, this is an administrative delict and a written decision is issued about the imposition of a fine. The carrier in question may lodge an appeal which is then handled by the subordinated body. An action can be brought against the decision of the second instance.</p>
	Slovenia	Yes	1. The competent authority are the Police. Police are subjected under Ministry of Interior.

			<p>2. Procedure is in accordance with national legislation related to misdemeanour procedure. Imposition of fine is done by the Police and for collection of fine the competent authority is the national financial and tax office.</p>
	Spain	Yes	<p>1. The administrative sanctioning procedure is carried out by the National Police (Ministry of Interior) and the sanction is imposed by the Government Delegate in the province/region.</p> <p>2. For imposing the fine, a procedure specifically foreseen in the Spanish Alien Law is followed. For the collection of the fine, the general administrative procedures apply.</p>
	Sweden	Yes	<p>1. The Swedish Police Authority is the responsible authority. The Ministry of Justice is responsible in the Government Offices.</p> <p>2. The question of carrier's liability and whether or not the carrier is obliged to pay a fine is examined by the Swedish Police Authority. Cases concerning the collection of fines are dealt with according to the general provisions in the Act on collection of state debts, following due legal processes and with the involvement of the Swedish Enforcement Authority.</p>
	United Kingdom	Yes	<p>1. Within the Home Office, Border Force is a law enforcement command responsible for the UK border and for carrying out immigration and customs controls for people and goods entering the UK. It is the competent authority for the purpose of Directive 2004/82/EC. The Home Office has overall responsibility for the processing of passenger data for border control and law enforcement purposes.</p> <p>2. Paragraphs 27 and 27B of Schedule 2 to the Immigration Act 1971 and Section 32 of the Immigration, Asylum and Nationality Act 2006 provide for the imposition of requirements to provide the UK Government with passenger data for immigration purposes and policing purposes respectively. Section 27 of the 1971 Act provides a criminal penalty for failing to comply with a data requirement under the 1971 Act, Section 34 of the 2006 Act provides a criminal penalty for failing to comply with a data requirement under the 2006 Act and the Passenger, Crew and Service Information (Civil Penalties) Regulations 2015 provide for a civil</p>

			<p>penalty for failing to comply with a data requirement under the 1971 or 2006 Acts. To date the UK has yet to impose a fine on a carrier for failing to provide Border Force with data. Although we have robust legislation in place the UK Government's approach of working collaboratively with the carriers (including with carriers who fail to comply with requirements) has helped deliver a high level of compliance. While this approach has been successful, the UK would not hesitate to impose a penalty if needed.</p>
	Norway	Yes	<p>1. The Directive 2004/82/EC has not been fully implemented in the relevant Norwegian legislation. The Police Directorate and the Pilve ICT-services are responsible for developing the infrastructure for electronic reporting, expected to be available in the first half of 2017, and the Ministry of Justice and Public Security is responsible for any legislative modifications needed.</p> <p>2. The duty of air carriers to communicate information about their passengers travelling to or from Norway (an external border crossing for the Schengen area) is (included) referred to in the Norwegian Immigration Regulations § 4-24, 1st paragraph, cf. the Immigration Act, § 20, 1st paragraph, letter a. The text establishes that the pilot of an aircraft that arrive from or depart to a foreign country should provide the police with a list of passengers and crew, with the information that is included in the passenger list. This does not correspond entirely to the information required by the Directive's article 3. Nor does Norway have the technical infrastructure needed to receive such lists electronically, and air carriers that have failed to report as required by § 4.24 have not been fined.</p>