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Assumptions of the Schengen Borders Code and the Schengen Information System and their role in preventing illegal border crossings

Założenia Kodeksu Granicznego Schengen i Systemu Informacyjnego Schengen oraz ich rola w zapobieganiu zjawiska nielegalnego przekraczania granic

Abstract

On December 21, 2007, Poland joined the Schengen Zone. The decision to abolish controls at the internal borders of the EU and the accession of nine new member states to the Schengen Zone was one of the most significant steps toward the full realization of European integration. The expansion of the Schengen Zone contributed significantly to the construction of a united Europe based on mutual trust, collectively striving to maintain a high level of security. The Schengen Agreement's provisions eliminated controls for individuals crossing borders between member states of the agreement while strengthening police, judicial, security, and asylum policy cooperation. The main focus of this article is on the provisions of the Regulation (EU) 2016/399 of the European Parliament and of the Council of March 9, 2016, concerning the Union Code on the rules governing the movement of persons across borders, also known as the Schengen Border Code. The primary objective is to highlight this Code as a tool for preventing the illegal crossing of Schengen Zone borders, which is closely related to combating crimes against document credibility. The publication also addresses issues related to the functioning of the Schengen Information System.

Keywords: Schengen Border Code, illegal border crossing, document forgery, Schengen Information System.

Streszczenie

21 grudnia 2007 r. Polska przystąpiła do strefy Schengen. Decyzja o zniesieniu kontroli na granicach wewnętrznych Unii Europejskiej oraz o przystąpieniu dziewięciu nowych państw członkowskich do strefy Schengen była jedną z najważniejszych w zakresie pełnej realizacji integracji europejskiej. Poszerzenie obszaru strefy Schengen stanowiło istotny wkład w budowę zjednoczonej

Europy opartej na wzajemnym zaufaniu, wspólnie podejmującej walkę o utrzymanie wysokiego poziomu bezpieczeństwa. Przepisy porozumienia z Schengen zniosły kontrolę osób przekraczających granice między państwami członkowskimi układu, a w zamian za to wzmocniły współpracę policyjną, sądową oraz w sferze bezpieczeństwa i polityki azylowej. Główny przedmiot rozważań podjętych w niniejszym artykule stanowią przepisy rozporządzenia Parlamentu Europejskiego i Rady (UE) 2016/399 z 9 marca 2016 roku w sprawie unijnego kodeksu zasad regulujących przepływ osób przez granice, który nazywany jest także Kodeksem Granicznym Schengen. Głównym celem opracowania uczyniono zwrócenie uwagi na wskazany Kodeks jako na narzędzie służące zapobieganiu procederowi nielegalnego przekroczenia granic strefy Schengen, co w istotnym stopniu związane jest także z przeciwdziałaniem przestępczości przeciwko wiarygodności dokumentów. W publikacji przedstawiono także problematykę związaną z funkcjonowaniem Systemu Informacyjnego Schengen.

Słowa kluczowe: Kodeks Graniczny Schengen, nielegalne przekroczenie granicy, fałszerstwo dokumentów, System Informacyjny Schengen.

1. Introduction

Since May 1, 2004, i.e., the day of the accession of the Republic of Poland to the European Union, there have been two types of borders. One of them is the border of the Republic of Poland with the Russian Federation, Ukraine, and the Republic of Belarus, which also serves as the external border of the European Union. The other is the internal border of the European Union, which is the border of the Republic of Poland with the Federal Republic of Germany, the Czech Republic, the Slovak Republic, and the Republic of Lithuania. According to the provisions of the law of October 12, 1990, on the protection of state borders¹, the border of the Republic of Poland, referred to in the cited law as the “state border”, is a vertical surface passing through the border line, separating the territory of the Polish state from the territories of other states and from the open sea. The state border also delineates airspace, waters, and the interior of the land. The course of the land state border, as well as the demarcation of internal waters and the territorial sea with neighboring states, is defined in international agreements concluded by the Republic of Poland². It should be noted that as of December 21, 2007, Poland joined the Schengen Zone. The decision to abolish controls at the EU’s internal borders and the accession of nine new member states to the Schengen Zone was one of the most significant decisions for the full realization of European integration. The expansion of the Schengen Zone made a substantial contribution to building a united Europe based on mutual trust, collectively striving to maintain a high level of security³. In the

¹ Act of October 12, 1990 on the protection of the state border, i.e. Journal of Laws 2022, item 295 as amended, <https://sip.lex.pl/#/act/16793875/3377136/ochrona=-granicy-panstwowej?keyword=ustawa%20o%20ochronie%20granicy%20pa%C5%84stwowej&cm=SFIRST> [access: 15.12.2023].

² See Article 1 and Article 2 of the aforementioned act.

³ L. Grochowski, *Straż Graniczna w aspekcie układu z Schengen*, “Zeszyty Naukowe WSOWL” 2011, No. 3(161), p. 45.

context of the discussed subject matter in this article, it is worth emphasizing that the provisions of the agreement concluded in 1985 (which marks the creation of the Schengen Zone based on the Agreement between the governments of the Benelux Economic Union, the Federal Republic of Germany, and the French Republic regarding the gradual abolition of controls at common borders, signed in Schengen, Luxembourg, on June 14, 1985) abolished controls for individuals crossing borders between the member states of the agreement. Instead, it strengthened police, judicial, and cooperation in the fields of security and asylum policy⁴. In the opinion of Emil Walenty Pływaczewski, the integrity of the state border is considered one of the fundamental elements in ensuring the security of the state⁵.

In the context of the increased migration flow in recent years, the rapid development of easily accessible technologies such as computer systems, desktop publishing, and color printers, coupled with relatively low levels of material forgery protection in the case of many legally circulating documents⁶, this thesis takes on particular significance. This is also due to the fact that document forgery very often constitutes one of the methods of illegally crossing the border of the European Union/Schengen Zone. It is important to emphasize that both the act of using such a forged document has been penalized in Polish law and in the legislation of other member states of the EU.

The above aligns closely with the issue of the application of Article 49a of the Petty Offenses Code⁷, under which the Polish legislator has stipulated a fine for anyone who, contrary to the provisions of the law, crosses the border of the Republic of Poland⁸. The object of protection covered by the mentioned article is the legal order regarding the regulation of the right to cross the state border of the Republic of Poland. Thus, so-called ordinary illegal crossing of the border of the Republic of Poland, starting from August 24, 2005, constitutes an offense, and the conduct of the perpetrator of the analyzed prohibited act involves crossing the border of the Republic of Poland against the regulations. Illegal crossing of the

⁴ <https://granica.gov.pl/faq.php> [access: 20.04.2023].

⁵ E.W. Pływaczewski, *Bezpieczeństwo obywateli – prawa człowieka – zrównoważony rozwój*, Białystok 2017, p. 411.

⁶ M. Goc, *Ustawa o dokumentach publicznych potrzebna od zaraz*, “Człowiek i Dokumenty” 2016, No. 41, p. 8.

⁷ M. Mozgawa [in:] M. Budyn-Kulik, P. Kozłowska-Kalisz, M. Kulik, M. Mozgawa, *Kodeks wykroczeń. Komentarz*, Warszawa 2009, Article 49(a), <https://sip.lex.pl/#/commentary/587231969/89692/mozgawa-marek-red-kodeks-wykroczen-komentarz-wyd-ii?cm=URELATIONS> [access: 18.04.2021]; Act of May 20, 1971 The Code Of Offences, i.e. Journal of Laws 2023, item 2119, <https://sip.lex.pl/#/act/16788218/3408603?directHit=true&directHitQuery=kodeks%20wykrocze%C5%84> [access: 27.01.2024].

⁸ In 2005, illegal border crossing was not considered a crime under Article 264 § 1 of the Penal Code. Pursuant to Article 6 of the Act of April 22, 2005, amending the Act on the Border Guard and some other acts (Journal of Laws of 2005, No. 90, item 757), the provision of Article 264 § 1 was repealed. Instead, Article 49a was added to the Petty Offenses Code.

state border is understood as any crossing without possessing and presenting the required document or at a location not designated as a border crossing, regardless of the means of transportation or its absence⁹.

The offense under Article 49a is of a formal nature, meaning it does not require a specific outcome, and it is also universal – it can be committed by any Polish citizen, foreigner, or stateless person, provided they meet the conditions for liability for the offense. This offense can be committed through intentional or unintentional actions or omissions¹⁰. According to Article 49a § 2, attempted commission and aiding and abetting in the illegal crossing of the border are punishable. In practice, there may be uncertainties regarding the qualification of the perpetrator's behavior as aiding and abetting an offense under Article 49a or a more serious crime, such as the act described in Article 264 § 3 of the Penal Code, which involves organizing for others the illegal crossing of the border of the Republic of Poland against regulations. The principles of legal border crossing are defined in the above-quoted Act on the Protection of the State Border. Article 14(1) specifies that crossing the state border is allowed only through designated and open border crossings for traffic, based on documents authorizing such crossing. The documents authorizing border crossing are determined by separate regulations, including international agreements of which the Republic of Poland is a party, or regulations of the European Union, as stated in Article 14(2) of the mentioned act.

2. Schengen Border Code – Selected Issues

Over the years, crossing the state border, which constitutes the internal border within the meaning of the provisions of Regulation (EC) No 562/2006 of the European Parliament and of the Council of March 15, 2006, establishing a Community Code on the rules governing the movement of persons across borders – the so-called Schengen Border Code¹¹, has taken place, among other things, based on the principles specified in Article 14(3) of the mentioned document. However, this document has been repealed and replaced by Regulation (EU) 2016/399 of the European Parliament and of the Council of March 9, 2016, concerning a Union Code on the rules governing the movement of persons across borders, which is also referred

⁹ E. Figiel, J. Mierzwińska-Lorencka, *Kazus 40* [in:] E. Figiel, J. Mierzwińska-Lorencka, *Prawo karne materialne. Kazusy dla aplikantów*, Warszawa 2013, <https://sip.lex.pl/#/monograph/369271322/262564/figiel-eliza-mierzwinska-lorencka-joanna-prawo-karne-materialne-kazusy-dla-aplikantow?cm=URELATIONS> [access: 25.04.2021].

¹⁰ W. Jankowski [in:] *Kodeks wykroczeń. Komentarz*, ed. T. Grzegorzczak, Warszawa 2013, Article 49(a), <https://sip.lex.pl/#/commentary/587263602/140450/grzegorzczak-tomasz-red-kodeks-wykroczen-komentarz-wyd-ii?cm=URELATIONS> [access: 18.04.2021].

¹¹ Official Journal of the European Union L 105 of April 13, 2006.

to as the “Schengen Border Code”¹². Crossing the state border, which constitutes the internal border within the meaning of the provisions of the aforementioned regulation, is allowed through designated and open border crossings, taking into account the provisions of international agreements binding on the Republic of Poland (Article 14a)¹³. According to the provisions of Article 2 of the Schengen Border Code, external borders are borders denoting land boundaries, including boundaries on rivers and lakes, as well as maritime boundaries of the member states, and their airports, river ports, seaports, and lake ports, provided that they do not constitute internal borders. The regulations of Article 5 of the discussed document make it clear that crossing external borders is only allowed at border crossings and during established opening hours. At border crossings that are not open 24 hours a day, visible information about their opening hours is provided. Exceptions to the rule of crossing external borders can be allowed only at designated border crossings and during established opening hours, based on individual cases.

In the discussed document, whose provisions apply to every person crossing the internal or external borders of the member states, it is emphasized that border control is in the interest not only of the member state where it is carried out at the external borders but also in the interest of all member states that have abolished border control at internal borders. In the introduction to the analyzed Regulation, it is also emphasized that border control should help combat illegal immigration and human trafficking, as well as prevent any threats to internal security, public order, public health, and international relations of the member states. Moreover, according to the provisions of the analyzed legal act, border control includes not only the clearance of individuals at border crossings and the protection of the border between crossings but also the analysis of risks to internal security and the analysis of threats that may affect the security of external borders. Therefore, it is necessary to establish the conditions, criteria, and detailed rules governing clearance at border crossings and border protection, including controls conducted based on the Schengen Information System (SIS), which will be discussed more comprehensively in the next part of the analysis.

From the perspective of the theme analyzed in this article, Article 6 of the discussed regulation, specifying the entry conditions for third-country nationals, appears to be highly significant. When crossing the external border for a stay not exceeding 90 days in any 180-day period, the entry conditions for third-country nationals are as follows:

¹² Official Journal of the European Union L 77/1 of March 23, 2016.

¹³ M. Mozgawa [in:] M. Budyn-Kulik, P. Kozłowska-Kalisz, M. Kulik, M. Mozgawa, *Kodeks wykroczeń...*, *op.cit.* See also: Regulation of the Minister of Internal Affairs and Administration of August 13, 2008, regarding the method of determining the territorial scope of border crossings. (Journal of Laws No. 147, item 938); <https://sip.lex.pl/#/commentary/587231969/89692/mozgawa-marek-red-kodeks-wykroczen-komentarz-wyd-ii?cm=URELATIONS> [access: 24.04.2021].

1. Possession of a valid travel document enabling the holder to cross the border, meeting the following criteria: it is valid for at least three months after the intended date of departure from the territory of the member states (in justified urgent cases, this criterion may be waived); it has been issued within the last 10 years.
2. Possession of a valid visa¹⁴, if required according to Council Regulation (EC) No 539/2001¹⁵, unless they have a valid residence document or a long-term visa.
3. Not being a person subject to an entry ban recorded in the Schengen Information System (SIS).
4. The necessity to justify the purpose and conditions of the planned stay and to have sufficient means of subsistence, both for the duration of the planned stay and for the return to their country of origin or transit to a third country for which it is certain they will be granted entry, or if they have the means to obtain such funds in accordance with the law.

An essential condition, as defined in the last point of the analyzed article, is that individuals considered a threat to public order, internal security, public health, or international relations of any of the member states cannot cross the border. In particular, if an entry ban has been imposed on them on the same grounds in the national databases of the member states. Additionally, the list of supplementary documents that the Border Guard may request from third-country nationals to verify compliance with the conditions for crossing the border is included in the Schengen Border Code.

The provisions of the Code clearly indicate that member states impose sanctions, in accordance with their national law, for the unauthorized crossing of external borders at locations other than border crossings or during hours other than the

¹⁴ From the perspective of state security, a visa is an extremely important document, as it, along with a passport, authorizes entry, transit, or stay within a country's territory. Among the thousands of recordings revealed by Border Guard officers in the Republic of Poland, falsified documents, including visas, constitute a significant portion. In light of numerous visa forgeries that have occurred in the last two decades, and considering the security of the borders of the Schengen Area countries and the citizens of the European Union, a new design for visa stickers with enhanced security features has been introduced. Regulation (EU) 2017/1370 of the European Parliament and of the Council of July 4, 2017, amending Council Regulation (EC) No 1683/95 establishing a uniform format for visas (Official Journal of the European Union L 198, 28.07.2017). See also: A. Kubiś-Kuras, *Wiza i jej znaczenie w systemie bezpieczeństwa państwa*, "Człowiek i Dokumenty" 2020, No. 59, pp. 9, 17.

¹⁵ Regulation (EC) No 539/2001 of March 15, 2001, listing third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from this requirement (Official Journal of the European Union L 81, 21.03.2001), has been amended by Regulation (EU) 2017/371 of the European Parliament and of the Council of 1 March 2017, consolidated text: Regulation (EU) 2018/1806 of The European Parliament and of The Council of November 14, 2018 listing the third countries whose nationals must be in possession of visas when crossing external borders, and those whose nationals are exempt from this requirement, Official Journal of the European Union L 303/39, 28.11.2018.

established opening hours. These sanctions are effective, proportionate, and deterrent. One such sanction is, for example, the offense specified in Article 49a¹⁶.

As noted by the Appellate Court in Szczecin: “The provisions of the Schengen Border Code did not create a legal situation allowing the unrestricted crossing of internal borders by everyone without any conditions. The code, in Article 1, only foresees the absence of controls at internal borders, which means that the regulations contained therein did not deprive the member states of the European Union, including Poland, of the right to protect their borders, which are currently internal borders”¹⁷. The right to cross the internal borders of the European Union at any location without border checks does not exempt individuals from the obligation to have a document authorizing border crossing with them while crossing the borders. However, not having such a document does not necessarily mean a lack of the right to free movement within the European Union¹⁸.

3. Main Principles of the Schengen Information System

As mentioned earlier, the Schengen Zone is an area without controls at the internal borders of its member states, and reinforced controls still apply only at the external borders. The introduction of travel facilitations across the area without border controls has contributed to various negative phenomena in society, including, among others, the presence of illegal immigrants and increased criminal activities¹⁹. In response to the situation that has arisen, it became necessary to introduce compensatory measures to ensure a high level of security throughout the Schengen Zone. One of such instruments is the Schengen Information System – a modern information tool providing a guarantee of security. SIS is the largest database in Europe, where specific categories of data on individuals and objects, sought or entered into the system by the Schengen Zone countries, are processed in accordance with the regulations²⁰.

¹⁶ W. Jankowski [in:] *Kodeks wykroczeń. Komentarz*, ed. T. Grzegorzczuk, Warszawa 2013, Article 49(a), <https://sip.lex.pl/#/commentary/587263602/140450/grzegorzczuk-tomasz-red-kodeks-wykroczen-komentarz-wyd-ii?cm=URELATIONS> [access: 18.04.2021].

¹⁷ Judgment of the Court of Appeal in Szczecin of October 29, 2010, II AKa 156/10, OSASz 2011, No. 4, p. 7

¹⁸ Judgment of the Voivodship Administrative Court in Gorzów Wielkopolski of October 20, 2011, II SA/Go 614/11, LEX No. 1152609; <https://sip.lex.pl/#/jurisprudence/521246305/1/ii-sa-go-614-11-wyrok-wojewodzkiego-sadu-administracyjnego-w-gorzowie-wielkopolskim?cm=URELATIONS> [access: 25.04.2021].

¹⁹ See more: D. Semków, *Falszerstwo dokumentów podróży – skala charakter i zapobieganie zjawisku w działaniach Unii Europejskiej*, “Ius et Administratio” 2019–2020, No. 1–4/(43/1), pp. 39–54.

²⁰ *Co to jest System Informacyjny Schengen?*, <https://policja.pl/pol/sirene/sis/12473,Co-to-jest-System-Informacyjny-Schengen-SIS.html> [access: 22.04.2023].

The system in question is the largest and most widely used tool for exchanging information in the field of security and border management in Europe. It is reasonable to agree with the thesis that the SIS serves as a somewhat essential alternative to border controls. The system is recognized as the most effective tool for cooperation among border and immigration services, police, as well as customs and judicial authorities in the European Union and associated countries within the Schengen framework. National authorities, such as police and border guards, can input and check entries regarding individuals and objects in one common database. Border, police, and other legally compliant checks on these individuals and objects can be conducted anywhere in the EU and the Schengen Zone²¹. An entry made in the SIS by one country is instantly accessible to all other countries utilizing the system, allowing competent authorities throughout the EU to search for such entries. The SIS operates in most EU countries and associated countries within the Schengen framework (Switzerland, Norway, Liechtenstein, and Iceland). Each country utilizing the Schengen Information System is responsible for establishing, operating, and maintaining its national system and structures. Meanwhile, the European Commission oversees the system in general, including evaluating its functionality and adopting implementing and delegated acts related to the operation of the SIS and S.I.R.E.N.E (Supplementary Information Request at National Entries)²².

²¹ *System Informacyjny Schengen*, https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-information-system_pl [access: 11.07.2023].

²² According to Article 92(4) of the Executive Convention to the Schengen Agreement, replaced on April 9, 2013, by Article 7(2) of Council Decision 2007/533/JHA of June 12, 2007, on the establishment, operation, and use of the Second Generation Schengen Information System (SIS II) (Official Journal of the European Union L 205 of 2007) and Regulation (EC) No 1987/2006 of the European Parliament and of the Council of December 20, 2006, on the establishment, operation, and use of the Second Generation Schengen Information System (SIS II) (Official Journal of the European Union L 381 of 2006), subsequently replaced on March 7, 2023, by Article 7(2) of Regulation (EU) 2018/1862 of the European Parliament and of the Council of November 28, 2018, on the establishment, operation, and use of the Schengen Information System (SIS) for police cooperation and cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 and Commission Decision 2010/261/EU (Official Journal of the European Union L 312 of 7.12.2018, p. 56 et seq.), and Article 7(2) of Regulation (EU) 2018/1861 of the European Parliament and of the Council of November 28, 2018, on the establishment, operation, and use of the Schengen Information System (SIS) in the field of border checks, amending the Schengen Executive Agreement, and repealing Regulation (EC) No 1987/2006 (Official Journal of the European Union L 312 of 7.12.2018, p. 14 et seq.). The designated authority of each member state, in accordance with its internal regulations, is responsible for implementing entries into the Schengen Information System (SIS). This office, known as SIRENE, plays a crucial role in the exchange of complementary information necessary for entering data and taking appropriate actions in the event of a hit in the SIS. In other words, when individuals or objects entered into the Schengen Information System (SIS) are found during checks, SIRENE acts as the contact point, operating 24/7, 365 days a year, for the exchange of supplementary information related to entries in the SIS., *Co to jest biuro SIRENE?*, <https://policja.pl/pol/sirene/biuro-sirene/7842,Co-to-jest-BIURO-SIRENE.html> [access: 24.04.2023].

Operational management of the central system and network is the responsibility of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security, and Justice (EU-LISA)²³. According to the Act of August 24, 2007, on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System, the authority responsible for the Polish module of the Schengen Information System is COT KSI (Central Technical Organ of the National IT System) – the Chief Police Commander. The tasks related to administration and supervision of data are carried out by the National Criminal Information Center of the Police Headquarters²⁴. What is highly significant is that despite the fact that the Schengen Information System (SIS) has been contributing to maintaining security in Europe since 1995, it has been systematically updated and adapted over the years to address the needs determined by the challenges in the field of national security. In 2013, the second generation of the system was introduced – SIS II, which offered new features compared to the 1995 version, such as the ability to add fingerprints and photographs to entries²⁵.

In 2023, there was another update and enhancement of the system with new entries, updated data, and other options to improve its functionality. Since March 2023, the Schengen Information System (SIS) includes the following types of biometric data used to confirm and verify the identity of individuals registered in the system:

- photographs,
- fingerprints,
- handprints,
- fingerprints,
- palm prints²⁶.

²³ *Czym jest i jak działa SIS?*, https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-information-system/what-sis-and-how-does-it-work_pl [access: 22.04.2023].

²⁴ *Co to jest System Informacyjny Schengen?*, <https://gdynia.policja.gov.pl/m17/informacje/wspolpraca-miedzynarodo/77233,SIS.html> [access: 22.04.2023].

²⁵ *System Informacyjny Schengen*, https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-information-system_pl [access: 11.07.2023]. The creation of the Second Generation Schengen Information System (SIS II) was based on two documents issued under Title VI of the EU Treaty: Regulation (EC) No 1987/2006 of the European Parliament and of the Council of December 20, 2006, on the establishment, operation, and use of the Second Generation Schengen Information System (SIS II) (hereinafter referred to as the Regulation), and Council Decision 2007/533/JHA of June 12, 2007, on the establishment, operation, and use of the Second Generation Schengen Information System (SIS II) (hereinafter referred to as the Decision). The Regulation and Decision replaced Articles 92-119 of the Schengen Executive Convention and decisions and declarations of the Schengen Executive Committee regarding SIS. The legal provisions of the Schengen acquis and community law related to SIS were implemented into Polish law through the Act of August 24, 2007, on the participation of the Republic of Poland in the Schengen Information System and the Visa Information System (Journal of Laws No. 165, item 1170, as amended, hereinafter referred to as the Act). The Act comprehensively regulates the principles and methods for the Republic of Poland's participation in SIS II.

²⁶ *Czym jest i jak działa SIS?*, *op.cit.*

Fingerprints and handprints are used for biometric searching through an automated fingerprint identification system in the Schengen Information System (SIS)²⁷.

More information about individuals and objects involved in activities related to terrorism is shared, allowing national authorities to more effectively combat serious crimes and terrorism, as well as prevent them. Since March 2021, countries provide Europol with information regarding the occurrence of sought-after data in SIS entries related to terrorist offenses (so-called matches). Europol conducts the exchange of supplementary information with countries regarding entries in SIS related to terrorist offenses through SIRENE bureaus. The competent authorities make entries related to missing persons, including additional data. They also have the ability to enter preventive entries into the system to protect certain categories of individuals at risk (children at risk of abduction or potential victims of terrorism, human trafficking, gender-based violence, or armed conflict/war). During the crossing of external borders or during routine police checks where an officer performs database checks, there is a verification to see if a particular object (e.g., a car) or person is listed in the common database, namely in SIS. If a person is sought by the authorities of another Schengen member state, the appropriate procedure is applied, which may involve denying the right to enter the Schengen area or taking other police actions²⁸.

Among the information exchanged in the system are return decisions, which facilitate the effective enforcement of these decisions. Countries must enter entries regarding refusal of entry or stay for individuals who, as determined, are illegally staying in the EU and have been subject to an entry ban according to the Return Directive²⁹.

4. Summary

The image of growing threats resulting from the use of forged documents, constituting critical points of activity for the state in ensuring the safety of citizens, underscores the need to pay special attention to the problem of preventing identity document forgery. It is worth noting that the use of forged travel documents can serve both to facilitate movement within a given territory, conduct reconnaissance, and carry out terrorist attacks, as well as enable permanent residence in a particular country³⁰.

²⁷ *Ibidem*.

²⁸ *Co to jest System Informacyjny Schengen (SIS)?*, <https://gdynia.policja.gov.pl/m17/informacje/wspolpraca-miedzynarodo/77233,SIS.html> [access: 21.04.2023].

²⁹ *Czym jest i jak działa SIS?*, *op.cit.*

³⁰ H. Kołecki, *Technicznokryminalistyczne badania autentyczności dokumentów publicznych nieniszczącymi wielospektralnymi technikami optycznymi za pomocą wideospektrokomparatora VSC-1*, Poznań 2002, p. 33.

The scale of these threats, combined with the dynamics and variable nature of crimes against the credibility of documents, implies the need for adaptation or modification of adopted solutions in various areas of state security, including solutions related to border protection³¹. Over the past few years, it can be observed that the European Union is taking actions aimed at developing and implementing such solutions, among which the presented principles of the document called the Schengen Border Code, and the Schengen Information System can be included.

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