

EU law does not prevent border guards from stamping upon entry to and exit from the Schengen area of travel documents of United Kingdom nationals who are beneficiaries of the Withdrawal Agreement who are in possession of a valid residence permit issued by a Schengen Member State. The same applies to their family members in the same situation.

The Commission considers that there is little practical use in stamping passports of Withdrawal Agreement beneficiaries.

The reason is that stamping a passport serves to establish whether a non-EU national respected the authorised length of a short stay within the Schengen area, but beneficiaries of the Withdrawal Agreement in a Schengen Member State cannot overstay. The usual limitation of a stay of 90 days in a 180 days' period does not apply to them, irrespective of whether their passport has been stamped or not.

Beneficiaries of the Withdrawal Agreement can use their residence documents issued under the Withdrawal Agreement at the border to prove their residence status and connected rights, such as not being subject to the maximum duration of stay of up to 90 days in a 180 days' period.

The Commission recommends that all beneficiaries of the Withdrawal Agreement to obtain the appropriate residence document under the Withdrawal Agreement in their Member State of residence and to proactively present it to border guards when crossing a Schengen external border.