

Schengen Borders Code: use of the Entry/Exit System (EES)

2016/0105(COD) - 08/03/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Agustín DÍAZ DE MERA GARCÍA CONSUEGRA (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System.

The committee recommended that the European Parliament's position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Standards for automated border control systems: Members called for an automated border control system designed in such a way that they can be used by all persons, with the exception of children under 12 years of age. They shall also be designed in a way that fully respects human dignity, in particular in cases involving vulnerable persons. Where Member States decide to use automated border control systems, they shall ensure the presence of a sufficient number of staff to assist persons with the use of such systems.

The Commission in close cooperation with eu-LISA shall be empowered to adopt delegated acts concerning the adoption of **additional technical standards for automated border control systems**.

Before adopting a delegated act, the Commission shall consult experts designated by each Member State on the matter.

Lightened formalities: Members set down technical provisions for the implementation of national programmes to alleviate border formalities. Where a person is granted access to a national facilitation programme established by a Member State, the border checks carried out through a **self-service system** on entry may not include examination of certain aspects when crossing the external borders of that Member State or the external borders of another Member State having concluded an agreement) with that Member State.

In the case of third-country nationals benefiting from a national facilitation programme, border guards may carry out the verifications on entry and on exit **without electronically comparing biometrics** but by comparing a **facial image taken from the chip** and the facial image of the third country national's individual EES file with the third-country national. **Full verification shall be carried out at random and on the basis of a risk analysis.**

Risk assessment: an adequate level of security shall be established between national facilitation programmes and the EES following a proper information security risk assessment. When establishing such a national facilitation programme, Member States shall, in close cooperation with eu-LISA, ensure data security standards equivalent to those laid down in the Regulation establishing the Entry/Exit System (EES). Member States shall conduct a **proper information security risk assessment and security responsibilities** shall be made clear for all steps of the process.

Separate lanes: where Member States decide to establish a national facilitation programme, they may decide to use specific lanes for third-country nationals who benefit from such a national facilitation programme.

Annex: it is provided to amend the Annex to the Regulation so as to specify that the person concerned by a control should be informed that her/his personal data and information on this refusal of entry are entered into the Entry/Exit System (EES). The person concerned has the right to obtain the data relating to her/him recorded in the EES and may request that data relating to her/him which are inaccurate be rectified and that data recorded unlawfully be erased.