European travel information and authorisation system (ETIAS)

2016/0357A(COD) - 12/09/2018 - Final act

PURPOSE: to establish a European Travel Authorisation and Information System (ETIAS) to improve the management of external borders.

LEGISLATIVE ACT : Regulation (EU) 2018/1240 of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017 /2226.

CONTENT: the Regulation creates a "**European Travel Information and Authorisation System"
(ETIAS)** for third-country nationals who are exempted from the requirement to be in possession of a visa when crossing external borders in order to assess whether the presence of these third-country nationals in the territory of the Member States is likely to present a risk for security or illegal immigration or a high epidemic risk.

Purpose, structure and scope: ETIAS will allow for advance checks and, if necessary, refuse a travel authorisation to **third-country nationals exempted from the visa requirement** who are traveling to the Schengen area for planned stays of a duration not exceeding 90 days in any 180-day period.

The system will also apply to third-country nationals who are exempt from the visa requirement who are **family members** of a Union citizen to whom Directive 2004/38/EC of the European Parliament and of the Council applies.

Refugees, long-stay visa holders, nationals of third countries who are holders of a local border traffic permit, as well as holders of diplomatic passports and crew members of ships or aircraft in service are excluded from the scope.

ETIAS consists of **the ETIAS Information System, the ETIAS Central Unit and the ETIAS National Units.** The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice ('eu-LISA') will develop the ETIAS Information System and ensure its technical management.

In assisting the competent authorities of Member States, ETIAS will:

- contribute to a **high level of security**, to the prevention of illegal immigration and to the protection of public health by providing an assessment of visitors prior to their arrival at the external border crossing points;
- contribute to the **facilitation of border checks** performed by border guards at the external border crossing points;
- support the objectives of the Schengen Information System (SIS) related to **alerts** on third-country nationals subject to a refusal of entry and stay, on persons wanted for arrest for surrender purposes or extradition purposes, on missing persons, on persons sought to assist with a judicial procedure and on persons for discreet checks or specific checks.

Operation of the system: applicants will need to submit an **application for travel authorisation** in sufficient time prior to any intended travel using an **online application form**. For each application, the

applicant will have to pay a travel authorisation fee of **EUR 7** (applicants under the age of 18 or over 70 will be exempted from the travel authorisation fee).

The ETIAS system will **automatically and individually** process each application for positive responses. To this end, it will consult the EU databases, Europol databases and the relevant **Interpol databases** to determine whether there are grounds for denying a travel authorisation. When automated processing does not lead to a hit, the ETIAS Central System will automatically issue a travel authorisation **in a few minutes**, except in exceptional cases for a small number of them.

If there is a hit, the application will be handled manually by the competent authorities. In this case, the ETIAS Central Unit will first check that the data recorded in the application file corresponds to the data triggering a hit. When it does or where doubts remain, the application will be processed manually by the ETIAS national unit of the Member State responsible. The latter may request additional information or documents from the applicant.

The issuing or refusal of an application which has triggered a hit will take place **no later than 96 hours** after the application is submitted or, if additional information has been requested, 96 hours after this information has been received. Applicants who have been refused a travel authorisation have the right to appeal. Appeals will be conducted in the Member State that has taken the decision on the application and in accordance with the national law of that Member State.

Travel authorisation: a travel authorisation shall be valid for **three years** or until the end of validity of the travel document registered during application, whichever comes first. The travel authorisation will **not provide an automatic right of entry or stay**; it is the border guard who will take the final decision. It may be cancelled or revoked as soon as it proves that the conditions of delivery were not or are no longer fulfilled.

Before boarding, **air carriers** and sea carriers will need to check whether third country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation.

ETIAS watchlist: this is established for the purposes of identifying connections between data in an application file and information related to persons who are suspected of having committed or having taken part in a terrorist offence or other serious criminal offence or regarding whom there are factual indications or reasonable grounds, based on an overall assessment of a person, to believe that they will commit a terrorist offence or other serious criminal offences. The ETIAS watchlist should form part of the ETIAS Central System.

Participation: the Regulation constitutes a development of the Schengen acquis; as a result, the United Kingdom and Ireland are not bound by it or subject to its application. Denmark will decide, within six months of the Council decision on the Regulation, whether or not it transposes it into national law.

ENTRY INTO FORCE : 9.10.2018.