



Basic information	
<p>2016/0357A(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p>	Procedure completed
<p>European travel information and authorisation system (ETIAS)</p> <p>Amending Regulation (EU) No 515/2014 2011/0365(COD) Amending Regulation (EU) 2016/399 2015/0006(COD) Amending Regulation (EU) 2016/1624 2015/0310(COD) Amended by 2019/0002(COD) Amended by 2020/0278(COD) See also 2016/0357B(COD)</p> <p>Subject</p> <p>7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas</p>	



Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	LIBE	Civil Liberties, Justice and Home Affairs	GÁL Kinga (PPE)	30/01/2017
			<p>Shadow rapporteur</p> <p>GUILLAUME Sylvie (S&D)</p> <p>STEVENS Helga (ECR)</p> <p>DEPREZ Gérard (ALDE)</p> <p>VERGIAT Marie-Christine (GUE/NGL)</p> <p>ALBRECHT Jan Philipp (Verts/ALE)</p> <p>FONTANA Lorenzo (ENF)</p>	
	Committee for opinion		Rapporteur for opinion	Appointed
	AFET	Foreign Affairs	MCALLISTER David (PPE)	16/03/2017
	BUDG	Budgets	DEPREZ Gérard (ALDE)	24/11/2016
	TRAN	Transport and Tourism	The committee decided not to give an opinion.	
Council of the European Union	Council configuration		Meetings	Date
	Justice and Home Affairs (JHA)		3528	2017-03-27
	Transport, Telecommunications and Energy		3545	2017-06-09

European Commission	Commission DG	Commissioner
	Migration and Home Affairs	AVRAMOPOULOS Dimitris
European Economic and Social Committee		

Key events			
Date	Event	Reference	Summary
16/11/2016	Legislative proposal published	COM(2016)0731 	
19/01/2017	Committee referral announced in Parliament, 1st reading		
27/03/2017	Debate in Council		
19/10/2017	Vote in committee, 1st reading		
19/10/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
23/10/2017	Committee report tabled for plenary, 1st reading	A8-0322/2017	Summary
23/10/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
25/10/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
25/04/2018	Approval in committee of the text agreed at 2nd reading interinstitutional negotiations	GEDA/A/(2018)003214 PE622.103	
04/07/2018	Debate in Parliament	CRE link	
05/07/2018	Decision by Parliament, 1st reading	T8-0307/2018	Summary
05/07/2018	Results of vote in Parliament		
05/09/2018	Act adopted by Council after Parliament's 1st reading		
12/09/2018	Final act signed		
12/09/2018	End of procedure in Parliament		
19/09/2018	Final act published in Official Journal		

Technical information	
Procedure reference	2016/0357A(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EU) No 515/2014 2011/0365(COD) Amending Regulation (EU) 2016/399 2015/0006(COD) Amending Regulation (EU) 2016/1624 2015/0310(COD) Amended by 2019/0002(COD) Amended by 2020/0278(COD) See also 2016/0357B(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 088-p2-a1 Treaty on the Functioning of the EU TFEU 087-p2 Treaty on the Functioning of the EU TFEU 077-p2
Mandatory consultation of other institutions	European Economic and Social Committee

Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/08500

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee opinion	AFET	PE604.668	23/08/2017	
Committee opinion	BUDG	PE606.223	31/08/2017	
Committee draft report		PE605.985	03/10/2017	
Amendments tabled in committee		PE609.321	04/10/2017	
Amendments tabled in committee		PE609.322	04/10/2017	
Amendments tabled in committee		PE609.323	04/10/2017	
Amendments tabled in committee		PE609.365	04/10/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0322/2017	23/10/2017	Summary
Text agreed during interinstitutional negotiations		PE622.103	25/04/2018	
Text adopted by Parliament, 1st reading/single reading		T8-0307/2018	05/07/2018	Summary
Council of the EU				
Document type		Reference	Date	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A(2018)003214	27/04/2018	
Draft final act		00021/2018/LEX	12/09/2018	
European Commission				
Document type		Reference	Date	Summary
Initial legislative proposal		COM(2016)0731 	16/11/2016	Summary
Commission response to text adopted in plenary		SP(2018)547	12/09/2018	
Follow-up document		COM(2023)0699 	16/11/2023	
National parliaments				
Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2016)0731	07/03/2017	
Contribution	ES_PARLIAMENT	COM(2016)0731	09/03/2017	
Contribution	CZ_SENATE	COM(2016)0731	14/03/2017	
Contribution	PT_PARLIAMENT	COM(2016)0731	15/03/2017	
Other institutions and bodies				

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N8-0027/2017 OJ C 162 23.05.2017, p. 0009	06/03/2017	Summary

Final act	
<p>Corrigendum to final act 32018R1240R(03) OJ L 193 17.06.2020, p. 0016</p> <p>Regulation 2018/1240 OJ L 236 19.09.2018, p. 0001</p>	Summary

Delegated acts	
Reference	Subject
2019/2596(DEA)	Examination of delegated act
2019/2589(DEA)	Examination of delegated act
2019/2588(DEA)	Examination of delegated act
2021/2994(DEA)	Examination of delegated act
2021/2602(DEA)	Examination of delegated act
2022/2556(DEA)	Examination of delegated act
2020/2919(DEA)	Examination of delegated act
2023/2812(DEA)	Examination of delegated act
2023/2622(DEA)	Examination of delegated act

European travel information and authorisation system (ETIAS)

2016/0357A(COD) - 23/10/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Kinga GÁL (EPP, HU) on the proposal for a regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399 and (EU) 2016/1624.

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

Purpose and scope: ETIAS will allow for the possibility of assessing whether a third country national exempt from the requirement to be in possession of a visa when who intending to travel to the Schengen area poses **an irregular migration risk, a threat to security or a high epidemic risk**, before the person arrives at the external border at a border crossing point. For this purpose a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

For reasons of legal clarity, it is specified that only air and sea carriers have to fulfil the requirements of the regulation. **Carriers transporting groups overland by coach should be excluded** given the heavy burden that would be put on these carriers. In addition, a proposed new recital states that in order to avoid unnecessary costs, carriers should be able to connect to ETIAS, EES and similar systems via a unique entry point.

ETIAS Central Unit: this will also be in charge of, inter alia: (i) defining and revising the specific risk indicators; (ii) recording the checks in the ETIAS Central System; (iii) indicating the Member State responsible for the manual processing of applications; (iv) notifying carriers as well as Member States' authorities competent for carrying out border checks at external border crossing points in case of a failure of the ETIAS Information System; (v) processing requests for consultation of data in the ETIAS Central System by Europol; (vi) providing the general public with all relevant information in relation to the application for a travel authorisation; (vii) acting as a helpdesk providing support to travellers in case of problems encountered during the application process.

The ETIAS Central Unit shall publish an **annual activity report** to be submitted to the European Parliament, the Council and the Commission.

Central access points: Members proposed that Member States put in place specific central access points which verify whether the conditions for access by law enforcement authorities are fulfilled instead of the ETIAS national units taking this tasks.

The ETIAS Ethics Board: this independent Board will have an advisory and audit function. It will carry out regular audits on the processing of applications, including regularly assessing their impact on fundamental rights, in particular with regard to privacy, personal data protection and non-discrimination.

Fundamental rights: Members specified that processing of personal data within the ETIAS Information System by any user shall not result in discrimination against third country nationals on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. **The best interests of the child** shall be a primary consideration.

Querying the Interpol databases: the ETIAS Central System shall verify the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN).

Access to data stored in the ETIAS: in order to improve border control, when an additional second line check is required at the border, the border guard may access the ETIAS Central System to obtain additional information.

Authorisation requests: travellers should receive **more information** about ETIAS in general and regarding **their specific situation** in particular. They should, for example, be notified before their ETIAS expires and also be allowed to apply for a new authorisation before the previous one expires. More information about appeal procedures should be given to ensure that the right of appeal might effectively be exercised.

The ETIAS should include a verification tool for applicants to **track the progress of their applications and to check the period of validity** and status of their travel authorisations.

A **travel authorisation fee of EUR 10** shall be paid by the applicant for each application. This shall be waived for applicants including those aged under 18 and over 60, family members of Union citizens, students and researchers travelling for the purpose of carrying out scientific research.

A travel authorisation shall be valid for three years or until the end of validity of the travel document.

The applicant must inform the authorities whether he or she has **ever been convicted of any serious criminal offence** (such as terrorism, sexual exploitation of children, human or drugs trafficking or murder or rape) stays in specific conflict areas and prior administrative orders to leave a country, all within the last ten years.

The applicant could be invited to provide **additional information**, and exceptionally invited to an interview at any consulate of a Member State of the Union located in his country of residence. If entry is refused, he must be informed of the reasons as well as of his right to an effective remedy, including a legal remedy. An earlier refusal to authorise travel would not, in principle, lead to refusal of a new application.

Member State responsible: Members stated that the Member State responsible for the manual processing of applications shall be:

- in the case of a hit from any of the checked systems, the Member State that entered the most recent alert resulting in a hit;
- in the case of a hit from the ETIAS watchlist, the Member State which provided the data for the watchlist;
- in all other cases, the Member State of first entry as declared by the applicant.

A Member State may request the ETIAS Central Unit to be the responsible Member State for reasons of national security.

In no case may the national ETIAS unit of the responsible Member State make a decision on the sole basis of a positive response based on the specific risk indicators.

The ETIAS national unit of the Member State responsible should carry out an **individual risk assessment** regarding irregular immigration, the threat to security and high epidemic risk.

Responsibilities and tasks regarding the ETIAS watchlist: before inserting data into the ETIAS watchlist, Europol shall carry out a thorough assessment of the reasons for the insertion and verify it is necessary and proportionate.

Europol shall put in place a procedure to review and verify regularly the accuracy and up-to-dateness of the data elements present in the ETIAS watchlist.

The **European Data Protection Supervisor** shall carry out a data protection audit of the ETIAS watchlist and submit a report to the European Parliament, to the Council and to the Commission.

European travel information and authorisation system (ETIAS)

2016/0357A(COD) - 05/07/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 494 votes in favour, 115 against and 30 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399 and (EU) 2016/1624.

The European Parliament's position, adopted at first reading under the ordinary legislative procedure, amended the Commission proposal as follows:

Objective and scope: the proposed Regulation shall establish a '**European Travel Information and Authorisation System**' (ETIAS) for third-country nationals exempt from the requirement to be in possession of a visa when crossing the external borders enabling consideration of whether the presence of those third-country nationals in the territory of the Member States would pose a **security, illegal immigration or high epidemic risk**.

A travel authorisation shall therefore constitute a decision indicating that there are no factual indications or reasonable grounds to consider that the presence of a person on the territory of the Member States poses such risks.

Processing of applications: the ETIAS central system shall **automatically process and examine each application file individually** for positive answers.

The personal data in the applications shall be compared with the data present in a record, file or alert registered in an EU information system or database (the ETIAS Central System, SIS, the Visa Information System (VIS), the Entry/Exit System (EES) or Eurodac), in Europol data or in the Interpol databases (the Interpol Stolen and Lost Travel Document database (SLTD) or the **Interpol Travel Documents Associated with Notices database** (TDAWN)).

The personal data in the applications should also be compared against the ETIAS watchlist and against specific risk indicators

The **ETIAS watchlist** shall consist of data related to persons who are suspected of having committed or taken part in a terrorist offence or other serious criminal offence or persons regarding whom there are factual indications or reasonable grounds to believe that they will commit a terrorist offence or other serious criminal offence.

ETIAS structure: ETIAS shall consist of a large-scale information system, the ETIAS information system, the ETIAS central unit and the ETIAS national units.

The ETIAS central unit shall be part of the European Border and Coast Guard Agency. It would be responsible for verifying, in cases where the automated application process has reported a hit, whether the applicant's personal data correspond to the personal data of the person having triggered that hit. **Where a hit is confirmed or where doubts remain, the ETIAS central unit shall initiate the manual processing of the application.**

It shall ensure that the data it enters in the applications files are up to date and define, establish, assess *ex ante*, implement, evaluate *ex post*, revise and delete the specific risk indicators, ensuring that the verifications that are performed and their results are recorded in the application files

Each Member State shall establish an ETIAS national unit responsible for examining applications and deciding whether to issue or refuse, annul or revoke travel authorisations. The ETIAS national units shall cooperate with each other and with the European Union Agency for Law Enforcement Cooperation (Europol) for the purpose of assessing applications.

Applications for authorisation: ETIAS shall provide an **online application form** that the applicant shall fill in with declarations relating to his or her identity, travel document, residence information, contact details, level of education and job group, any status he or she holds of family member to Union citizens or third-country nationals enjoying the right of free movement and not holding a residence card or a residence permit where the applicant is minor, details of the person responsible for him or her, and answers to a set of background questions.

The applicant shall also indicate:

- whether he or she has been convicted of any **criminal offence** (terrorism, sexual exploitation of children, trafficking in human beings or drugs, murder and rape) over the previous 10 years and in **the case of terrorist offences**, over the previous twenty years, and if so when and in which country;
- whether he or she has stayed in a **specific war or conflict zone** over the previous 10 years and the reasons for the stay;
- whether he or she has been the subject of any **decision requiring him or her to leave the territory** of a Member State or of any third countries listed in Annex II to Regulation No 539/2001 or whether he or she was subject to any return decision issued over the previous 10 years.

For each application submitted, the applicant shall pay a travel authorisation fee of **EUR 7**. Persons under 18 and over 70 shall be exempt from this tax. The travel authorisation shall be valid for **3 years** (or until the travel document expires).

Most travel authorisations shall be **issued within minutes except in exceptional cases** for a limited number of them. Possible interviews shall only be conducted in exceptional circumstances, as a last resort and when there are serious doubts about the information or documents provided by the applicant.

Fundamental rights: Parliament specified that the processing of personal data within the ETIAS information system shall not result in discrimination against third-country nationals on the grounds of sex, race, colour or ethnic or social origin, genetic characteristics, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. **The best interests of the child** shall always be a primary consideration.

In order to help ensure respect for fundamental rights when implementing the ETIAS screening rules and specific risk indicators, an **ETIAS Fundamental Rights Guidance Board shall be established**.

Parliament also approved a **joint statement** by the Parliament and the Council stating that the operating and maintenance costs of the ETIAS Information System, the ETIAS Central Unit and the ETIAS National Units shall be **covered entirely by the revenues generated by the fees**.

The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as the hosting of the National Uniform Interface and the set-up of the ETIAS Central Unit and ETIAS National Units, including those incurred by EU Member States as well as Schengen Associated Countries, shall be borne by the Internal Security Fund (Borders and Visa) respectively its successor(s).

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.

European travel information and authorisation system (ETIAS)

2016/0357A(COD) - 16/11/2016

PURPOSE: to establish a European Travel Information and Authorisation System (ETIAS) in order to improve external border management.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with Council.

BACKGROUND: in its its Communication of September 2016 entitled '[Enhancing security in a world of mobility](#)', the Commission confirmed the need to **strike the right balance between ensuring mobility and enhancing security, while facilitating legal entry into the Schengen area without the need for a visa**.

Today, around 1.4 billion people from around 60 countries worldwide can benefit from visa-free travel to the European Union. The number of visa-exempt third country nationals to the Schengen countries will continue to grow, with an **expected increase of over 30%** in the number of visa exempt third country nationals crossing the Schengen borders by 2020, from 30 million in 2014 to 39 million in 2020. These figures demonstrate the need to put in place a system that is able to achieve objectives similar to the visa regime, namely to **assess and manage the potential irregular migration**

and security risks represented by third country nationals visiting the EU, yet in a lighter and more visitor-friendly way, in line with the objectives of the EU's visa liberalisation policy.

IMPACT ASSESSMENT: the ETIAS legal proposal is based on the results of the [feasibility study](#) conducted from June till October 2016.

CONTENT: the draft regulation proposes **the establishment of the European Travel Information and Authorisation System (ETIAS)**, which will be an EU system for visa-exempt third country nationals when crossing the external borders, and allow determination of whether the presence of such persons on the territory of the Member States would pose an irregular migration, security or public health risk.

For this purpose a **travel authorisation** would be introduced as a new condition for entering the Schengen area and the absence of a valid ETIAS travel authorisation would result in a refusal of entry into the Schengen area. Moreover, where applicable, **carriers** would have to check that their passengers have a valid ETIAS travel authorisation before allowing them to board their transportation means bound to a Schengen country.

Prior to the intended travel, the applicant will create an **on-line application**, via a dedicated website or the mobile application.

Functions: the key functions of ETIAS will be to:

- **verify the information** submitted by visa-exempt third country nationals (such as information related to identity, travel document, residence information, contact details etc.), via an online application ahead of their travel to the EU's external borders, to assess if they pose a risk for irregular migration, security or public health;
- **automatically process** each application submitted via the website or mobile application against other EU information systems (such as SIS, VIS, Europol's database, Interpol's database, the EES, Eurodac, ECRIS), a dedicated ETIAS watch list (established by Europol) and targeted, proportionate and clearly defined screening rules to determine if there are factual indications or reasonable grounds to issue or refuse a travel authorisation;
- issue travel authorisations. In cases where no hits or elements requiring further analysis are identified, the travel authorisation is issued automatically within minutes after the application has been submitted. The authorisation will be **valid for a period of five years and for multiple entry**. An application **fee of EUR 5** will apply to all applicants above the age of 18.

Scope: ETIAS will **apply to** visa-exempt third country nationals. The following shall be excluded from the scope: holders of long-stay visas, holders of a local border traffic permits, citizens of the micro-states in the Schengen area, holders of diplomatic passports and crew members of ships or aircraft while on duty.

Management of the system: the ETIAS will be managed by the **European Border and Coast Guard** in close cooperation with the competent authorities of the Member States and Europol. **The Agency eu-LISA** will develop and provide technical management of this information system. The final decision on allowing entry into the Schengen Area will still rest with the border guards at the external border in line with the [Schengen Border Code](#).

Participation: the proposed Regulation constitutes a development of the Schengen acquis; therefore, the United Kingdom and Ireland do not participate in the adoption of the Regulation and are not bound by it or subject to its application.

Denmark shall decide within six months of the Council's decision on this Regulation whether to transpose it into national law or not.

BUDGETARY IMPLICATIONS: the amount needed has been assessed as **EUR 212.1 million**. During the development phase (2018-2020), the Commission will spend a total amount of EUR 4.2 million (via shared management) for the expenses related to operations in Member States.

From 2020, when the new system will be operational, future operational costs in Member States could be supported by their national programmes in the framework of shared management.

From the same year, the ETIAS System will **generate fee revenue**, which will be treated as external assigned revenue. Based on the current estimates of the number of applications, the fee revenue will more than cover the direct development and running cost of the ETIAS. In turn, this will allow the financing of related expenditure in the field of Smart Borders.

DELEGATED ACTS: in order to establish the technical measures needed for the application of the Regulation, the Commission will have the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the EU.

European travel information and authorisation system (ETIAS)

2016/0357A(COD) - 06/03/2017

Opinion of the European Data Protection Supervisor (EDPS) on the proposal for a European Travel Information and Authorisation System (ETIAS).

Members recalled that according to the proposal, the system would require visa-exempt travellers to undergo a risk assessment with respect to security, irregular migration and public health risks prior to their arrival at the Schengen borders. This assessment would be carried out by means of cross-checking applicant's data submitted through ETIAS against other EU information systems, a dedicated ETIAS watchlist and screening rules.

The EDPS considers that there is a need for conducting an **assessment** of the impact that the proposal will entail on the right to privacy and the right to data protection enshrined in the Charter of Fundamental Rights of the EU, which will take stock of all existing EU-level measures for migration and security objectives. The establishment of ETIAS would have a significant impact on the right to the protection of personal data, since various kinds of data, collected initially for very different purposes, will become accessible to a broader range of public authorities (i.e. immigration authorities, border guards, law enforcement authorities, etc.).

Moreover, the ETIAS proposal raises concerns regarding the process of determining the possible risks posed by the applicant. The EDPS understands that the legislator's objective is to create a tool enabling the automatic singling out of visa-exempt third country nationals suspected of posing such risks. Nonetheless, profiling, as any other form of computerised data analysis applied to individuals, raises serious technical, legal and ethical questions.

Since the proposal establishes an additional system involving the processing of a significant amount of personal data of third country nationals for immigration and security objectives, the EDPS:

- intends to include a **definition of irregular migration risks** and security risks in the Proposal to comply with the purpose limitation principle;
- recommends that the proposed **ETIAS screening rules** be subject to a prior comprehensive assessment of their impact on fundamental rights;
- calls for convincing evidence supporting the necessity of using profiling tools for the purposes of ETIAS;
- questions the relevance of collecting and processing **health data**;
- calls for a better justification of the chosen **data retention period** and of the necessity of granting access to national law enforcement agencies and Europol.

In addition to the main concerns, the EDPS recommendations include, *inter alia*: (i) the necessity and proportionality of the set of data collected; (ii) the interoperability of ETIAS with other IT systems; (iii) the data subjects' rights and provided remedies; (iv) the independent review of the conditions for access by law enforcement authorities; (v) the architecture and information security of the ETIAS; (vi) the statistics generated by the system.