

# Procedure file

Basic information			
COD - Ordinary legislative procedure (ex-codecision <a href="#">2016/0357A(COD)</a> procedure) Regulation		Procedure completed	
European travel information and authorisation system (ETIAS)  Amending Regulation (EU) No 515/2014 <a href="#">2011/0365(COD)</a> Amending Regulation (EU) 2016/399 <a href="#">2015/0006(COD)</a> Amending Regulation (EU) 2016/1624 <a href="#">2015/0310(COD)</a> See also <a href="#">2016/0357B(COD)</a> Amended by <a href="#">2019/0002(COD)</a> Amended by <a href="#">2020/0278(COD)</a>			
Subject 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas			
Legislative priorities <a href="#">Joint Declaration 2018</a> <a href="#">Joint Declaration 2017</a>			
Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs		30/01/2017
		PPE <a href="#">GÁL Kinga</a>	
		Shadow rapporteur	
		S&D <a href="#">GUILLAUME Sylvie</a>	
		ECR <a href="#">STEVENS Helga</a>	
	ALDE <a href="#">DEPREZ Gérard</a>		
	GUE/NGL <a href="#">VERGIAT Marie-Christine</a>		
	Verts/ALE <a href="#">ALBRECHT Jan Philipp</a>		
	ENF <a href="#">FONTANA Lorenzo</a>		
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs		16/03/2017
		PPE <a href="#">MCALLISTER David</a>	
	<b>BUDG</b> Budgets		24/11/2016
		ALDE <a href="#">DEPREZ Gérard</a>	
	<b>TRAN</b> Transport and Tourism	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">3545</a>	09/06/2017
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">3528</a>	27/03/2017
European Commission	Commission DG	Commissioner	
	<a href="#">Migration and Home Affairs</a>	AVRAMOPOULOS Dimitris	
European Economic and Social Committee			

Key events			
16/11/2016	Legislative proposal published	<a href="#">COM(2016)0731</a>	Summary
19/01/2017	Committee referral announced in Parliament, 1st reading/single reading		
27/03/2017	Debate in Council	<a href="#">3528</a>	
19/10/2017	Vote in committee, 1st reading/single 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/single reading	<a href="#">A8-0322/2017</a>	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	<a href="#">PE622.103 GEDA/A/(2018)003214</a>	
04/07/2018	Debate in Parliament		
05/07/2018	Results of vote in Parliament		
05/07/2018	Decision by Parliament, 1st reading/single reading	<a href="#">T8-0307/2018</a>	Summary
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
	<p>Amending Regulation (EU) No 515/2014 <a href="#">2011/0365(COD)</a></p> <p>Amending Regulation (EU) 2016/399 <a href="#">2015/0006(COD)</a></p> <p>Amending Regulation (EU) 2016/1624 <a href="#">2015/0310(COD)</a></p> <p>See also <a href="#">2016/0357B(COD)</a></p> <p>Amended by <a href="#">2019/0002(COD)</a></p> <p>Amended by <a href="#">2020/0278(COD)</a></p>
Legal basis	Treaty on the Functioning of the EU TFEU 077-p2; Treaty on the Functioning of the EU TFEU 087-p2; Treaty on the Functioning of the EU TFEU 088-p2-a1

Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/08500

## Documentation gateway

Initial legislative proposal		<a href="#">COM(2016)0731</a>	16/11/2016	EC	Summary
Document attached to the procedure		<a href="#">N8-0027/2017</a> <a href="#">OJ C 162 23.05.2017, p. 0009</a>	06/03/2017	EDPS	Summary
Committee opinion	AFET	<a href="#">PE604.668</a>	23/08/2017	EP	
Committee opinion	BUDG	<a href="#">PE606.223</a>	31/08/2017	EP	
Committee draft report		<a href="#">PE605.985</a>	03/10/2017	EP	
Amendments tabled in committee		<a href="#">PE609.321</a>	04/10/2017	EP	
Amendments tabled in committee		<a href="#">PE609.322</a>	04/10/2017	EP	
Amendments tabled in committee		<a href="#">PE609.323</a>	04/10/2017	EP	
Amendments tabled in committee		<a href="#">PE609.365</a>	04/10/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0322/2017</a>	23/10/2017	EP	Summary
Coreper letter confirming interinstitutional agreement		<a href="#">GEDA/A/(2018)003214</a>	27/04/2018	CSL	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0307/2018</a>	05/07/2018	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2018)547</a>	12/09/2018	EC	
Draft final act		<a href="#">00021/2018/LEX</a>	12/09/2018	CSL	

## Final act

[Regulation 2018/1240](#)

[OJ L 236 19.09.2018, p. 0001](#) Summary

[Corrigendum to final act 32018R1240R\(03\)](#)

[OJ L 193 17.06.2020, p. 0016](#)

Final legislative act with provisions for delegated acts

## Delegated acts

[2019/2596\(DEA\)](#)

Examination of delegated act

[2019/2589\(DEA\)](#)

Examination of delegated act

[2019/2588\(DEA\)](#)

Examination of delegated act

## 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 Parliaments 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 or 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.

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

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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 Parliaments 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 applicants 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).

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

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**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.