

Entry/Exit System (EES)

2016/0106(COD) - 06/04/2016 - Legislative proposal

PURPOSE: to propose a revised version of the Entry/Exit System (EES) to speed-up, facilitate and reinforce border check procedures for non-EU nationals travelling to the EU.

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 the Council.

BACKGROUND: in February 2013, the Commission tabled a package of legislative proposals on Smart Borders to modernise the Schengen areas external border management. Since then, technical, financial and operational concerns on certain aspects of the design of the systems have been brought to light.

Therefore, the Commission has decided to:

- revise its 2013 proposal for a Regulation for the establishment of an Entry/Exit System (EES);
- revise its 2013 [proposal for Regulation amending the Schengen Borders Code](#) to integrate the technical changes that result from the new proposal for a Regulation establishing an Entry/Exit System (EES);
- withdraw its 2013 [proposal for a Regulation](#) for a Registered Traveller Programme (RTP).

CONTENT: this proposal is part of the broader 'Smart Borders Package', addressing the role of information systems in enhancing external border management, internal security and the fight against terrorism and organised crime. It seeks to modernise external border management by improving the quality and efficiency of controls and support Member States with the increasing numbers of travellers entering and exiting the EU.

The main differences between this revised proposal and the 2013 proposals are as follows:

Single system: only one system is proposed, the Entry Exit System.

Scope of the new Entry Exit System: the scope of the new Entry Exit System includes border crossings by all third country nationals visiting the Schengen area for a short stay (maximum 90 days period in any period of 180 days), both visa-required and visa-exempt travellers, or eventually, on the basis of a touring visa (up to one year).

The system will register the name, type of travel document and biometrics and the date and place of entry and exit. This will facilitate the border crossing of bona fide travellers, detect over-stayers and identify undocumented persons in the Schengen area. The EES will also record refusals of entry of third country nationals falling within its scope.

Interoperability: this should be ensured between the EES and VIS in order to achieve more efficiency and rapidity at border checks.

Biometric identifiers: while the 2013 EES proposals were relying on ten fingerprints, the revised EES proposals suggests a combination of four fingerprints and the facial image as biometric identifiers introduced from the start of operations of the EES. The four fingerprints are used at enrolment to check if the third country national was already registered in the system while the facial image allows for a quick and reliable (automatic) verification at subsequent entry that the individual subject to the border control is the one already registered in the EES.

The Entry-Exit System will replace the current system of manual stamping of passports which is time consuming, does not provide reliable data on border crossings and does not allow the detection of over-stayers or address cases of loss or destruction of travelling documents.

Data protection and data retention period: there is a significant reduction in the volume of personal data recorded in EES: 26 data items are to be recorded in EES instead of 36. Appropriate data protection safeguards and strict access rights are foreseen in accordance with EU data protection rules. The retention time for stored data is five years. This extended period shall reduce the re-enrolment frequency.

The facilitation of border crossings: the approach for facilitation is based on the implementation of self-service systems and e-gates, which will allow third country nationals to initiate the procedure for border clearance, to be completed by providing additional information to the border guard on request. The use of these accelerators (introduced in the proposal amending the Schengen Borders Code) is optional for Member States, open to most of the travellers and does not require the development of any new system.

In addition there will be a harmonised legal basis (again introduced in the amendments to the Schengen Borders Code) for the establishment of national Registered Travellers Programmes by Member States, on a voluntary basis.

Law enforcement access: from the start of operations, Member States' law enforcement authorities and Europol will have access to the EES, under strictly defined conditions.

BUDGETARY IMPLICATIONS: in the 2013 proposals, EUR 1.1 billion was set aside as an indicative amount for the development of an EES and an RTP. For the revised proposal, based on the preferred option of a single EES system including the law enforcement access, the amount needed has been estimated at EUR 480 million.