

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 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).