



European airports and sea ports call for an effective implementation of the Entry-Exit System and support a flexible start of operations

Brussels, 9 May 2022

1. Introduction

The Entry-Exit System (EES) Regulation requires detailed checks of Third Country Nationals (both visa-exempt and those subject to visa requirements) as close to the border as possible before entering or exiting the Schengen area, implying additional procedures in airports and sea ports.

The implementation of the Regulation will affect all types of traffic operators and transport modes. Accordingly, there is a need for flexibility in terms of possible solutions and the date of the start of operations to ensure its successful implementation. The start of operations of the EES in Autumn 2022 is unlikely to fulfil these conditions.

There is also a need for clarity regarding the financing of the EES in airports and sea ports, and for additional clarification regarding the roles of different stakeholders in the implementation process.

2. A successful implementation

- The EES should enhance border security and should avoid causing network disruptions, compromising the passenger experience, or putting additional burden on European regulators, Member States and transport operators.
- For this reason, European airports and sea ports support:
 - The requests of several Member States to reconsider the overall planning of the IT systems in the area of freedom, security and justice,
 - Eu-LISA's suggestion to extend the date of the start of operations of the EES to a date that allows adequate time for transport operators to deploy new procedures and the infrastructure required for implementation. In light of permitting procedures and supply disruptions, this will likely require an additional extension beyond mid-November 2022,
 - A "*flexible start of operations*" of the EES. This approach should consider the entire process (from pre-departure to arrival checks) and its impact on all stakeholders (notably passengers, authorities and transport operators).
- A "*flexible start of operations*" of the EES should ensure:
 - consistent rules across Member States for the overall process,
 - a simple, standardised scope and timing that prevents adding complexities for transport operators and border guards,
 - a strong and clear communication campaign for travellers,
 - border security,

- clarity concerning Member States' responsibility in bearing the costs of the implementation of the EES in airports and sea ports according to their obligations established in article 64 of Regulation 2017/2226 (Entry/Exit System) and article 15 of Regulation 2016/399 (Schengen Border Code) and
- benefits to all stakeholders.
- A "*flexible start of operations*" of the EES will allow:
 - Member States to gradually invest and deploy appropriate staff and resources to ensure an efficient, high and uniform level of control at all border crossings without adding additional waiting time at border control, and
 - transport operators and infrastructure providers (including airports and sea ports) to better adapt to the regulatory requirements with national authorities (pre-departure, arrival and departure) without jeopardising their operational and financial situation, already weakened by a long period of crisis.

3. A transition period and enhanced innovation

- All Third Country Nationals will be registered in the EES from the start of operations, and a transition period of 12-18 months will allow flexibility in the creation of the Third Country National individual file or capture of biometric data (please see OPTION 1 and OPTION 2).
- Article 9 of Regulation 2016/399 (Schengen Border Code) and Article 21 of Regulation 2017/2226 (Entry/Exit System) allow for these possibilities.
- By means of an implementing act, the European Commission will define the framework and modalities of the "*flexible start of operations*".
- The European Commission, the Member States and industry will encourage, accelerate and finance innovation. This will include notably quicker fingerprint scans (e.g. contactless swipe) and off-airport/port (part) registration via a mobile app (i.e. 'home-enrolment'). This is a precondition for the effective registration of passengers since airports and sea ports have limited time and space to carry out full checks in already crowded areas, and significant safety issues associated with checks of passengers traveling in vehicles in sea ports and motorway crossings.
- National facilitation programmes established in accordance with Article 8d of Regulation 2016/399 (Schengen Border Code) and Article 6 of Regulation 2017/2226 (Entry/Exit System) will facilitate border crossing for third-country nationals, and include bilateral agreements with neighbouring countries (for instance with the United Kingdom) for the sharing of biometric passport databases registered in connection to a passport application. Such arrangements would avoid the need to collect this data when it already exists.

4. Proposed framework for a flexible start of operations of the EES

OPTION 1: Gradual increase in scope

- The first option suggests the registration of all Third Country Nationals from the start of operations.

- Registration will be done by manual stamping and simplified entry in the EES central system and creation of the individual file.
- Simplified entry in the EES central system and creation of the individual file involve the record and storage of biographic data (surname, name, type, number and expiry date of travel document) and date, time and place of entry and exit.
- The creation of the individual file or capture of the biometric data will start for pre-defined Third Country National as detailed in the table below:

Period	Capture of biometric data	Comments
Start of operations	Visa holders	The capture of the biometric data of these travellers is facilitated by the information already captured and contained in their visa
Increased scope 1 (6-9 months after start)	Visa holders + "white list" to be determined	White list to be agreed by the European Commission and the Member States
Increased scope 2 (12-18 months after increased scope 1)	All Third Country Nationals	

OPTION 2: Fall-back procedure

- The second option also suggests the registration of all Third Country Nationals from the start of operations.
- When the waiting time at border crossing becomes excessive and all resources have been exhausted as regards staff, facilities and organisation and it becomes technically impossible to capture, enter and/or transmit the data, a fall-back procedure will allow to complete these tasks as soon as it is technically possible.
- The fall back procedure will record and store biographic data (surname, name, type, number and expiry date of travel document) and date, time and place of entry and exit. The calculation of the duration of the authorised stay, the generation of alerts when the authorised stay has expired, the recording and storage of refusals of entry and the detection and investigation of terrorist offences and other serious criminal offences will not be jeopardised.
- The fall-back procedure will allow the biometric data to be entered in the EES at the next border crossing.
- The decision to trigger the fall-back procedure will be taken by the border guard in command at the border crossing point, based on the conditions clearly defined by the European Commission's implementing act.
- When possible, transport operators will liaise with border guards to monitor and inform on expected waiting times at border crossings.

5. Compatibility between OPTION 1 and OPTION 2

- To enhance border security by adding imprevisibility, Option 1 and Option 2 will not be mutually exclusive.

About Airports Council International (ACI EUROPE)

ACI EUROPE is the European region of Airports Council International (ACI), the only worldwide professional association of airport operators. ACI EUROPE represents over 500 airports in 55 countries. Our members facilitate over 90% of commercial air traffic in Europe. In response to the Climate Emergency, in June 2019 our members committed to achieving Net Zero carbon emissions for operations under their control by 2050, without offsetting.

About European Sea Ports Organisation (ESPO)

The European Sea Ports Organisation (ESPO) represents the port authorities, port associations and port administrations of the seaports of 22 Member States of the European Union and Norway at political level. ESPO has also observer members in Iceland, Israel, Ukraine and the United Kingdom. ESPO is the principal interface between the European seaport authorities and the European institutions. In addition to representing the interests of European ports, ESPO is a knowledge network which brings together professionals from the port sector and national port organisations. ESPO was created in 1993.