

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.