

Entry/Exit System (EES)

2016/0106(COD) - 30/11/2017 - Final act

PURPOSE: to create an entry / exit system to improve controls at the external borders of the Schengen area.

LEGISLATIVE ACT: Regulation (EU) 2017/2226 of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011.

CONTENT: the Regulation creates **a common electronic system, the "entry/exit system" (EES)** for:

- **the recording and storage** of the date, time and place of entry and exit of third-country nationals crossing the borders of the Member States at which the EES is operated;
- **the automatic calculation of the duration of authorised stay** of such third-country nationals, and the generation of alerts to Member States when the authorised stay has expired.

The EES will:

- improve the management of external borders, prevent irregular migration and facilitate the **management of migration flows**;
- assist in the **identification** of any person who does not fulfil, or no longer fulfils, the conditions relating to the length of stay authorised in the territory of the Member States;
- to contribute to the **prevention and investigation of terrorist offenses** or other serious criminal offenses.

Scope: the EES will **apply to travellers subjected to a visa requirement and those exempted from it** and admitted for a short stay of up to 90 days in a 180-day period, crossing the external borders of the Schengen area.

The system will replace the requirement to stamp the passport of third-country nationals, which is applicable by all Member States.

The EES should be operated at the external borders of the Member States which apply the Schengen acquis in full and also by Member States which do not yet apply the Schengen acquis in full but for which the verification in accordance with the applicable Schengen evaluation procedure has already been successfully completed, to which passive access to the Visa Information System (VIS) has been granted.

Data storage: the system will store data on the identity of third-country nationals and their travel documents as well as **biometric data** (four fingerprints and the facial image).

The data stored will be accessible to border authorities, visa issuing authorities and authorities responsible for monitoring, within the territory of the Member States, whether a third-country national fulfils the conditions of entry or residence. They will also be accessible to designated law enforcement authorities and **Europol**.

The data will be kept for **five years** for those who have exceeded the authorised period of stay and three years for others.

Technical architecture of the EES: the EES shall be composed of:

- a Central System (EES Central System) which operates a computerised central database of biometric and alphanumeric data;
- a National Uniform Interface in each Member State;
- a Secure Communication Channel between the EES Central System and the central Visa Information System (VIS Central System) of the VIS;
- a secure and encrypted Communication Infrastructure between the EES Central System and the National Uniform Interfaces;
- a data repository system to obtain customisable reports and statistics;
- the web service in order to enable third-country nationals to verify at any moment the remaining authorised stay.

The European Agency for the Operational Management of Large-Scale Information Systems (eu-LISA) should establish a secure communication channel between the central EES system and the central VIS system to enable interoperability between EES and VIS.

ENTRY INTO FORCE : 29.12.2017.