

Entry/Exit System: temporary derogation from certain provisions as regards a progressive start of operations of the Entry/Exit System

2024/0315(COD) - 29/04/2025 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Assita KANKO (ECR, BE) on the proposal for a regulation of the European Parliament and of the Council on a temporary derogation from certain provisions of Regulation (EU) 2017/2226 and Regulation (EU) 2016/399 as regards the phasing in of the Entry/Exit System (EES).

The Commission's proposal provides for the progressive start of operations of the Entry/Exit System (EES), which is a key element of Schengen border management. The gradual start of the system would see an increased use by the Member States over a period of 180 days until full roll-out.

The committee recommended that the European Parliament adopt its position at first reading by amending the Commission's proposal as follows:

Progressive roll-out

The progressive roll-out of the EES during the 180-day period of the progressive start of operations is voluntary. Member States that decide to start using the EES fully for all third-country nationals subject to registration in the EES from day one at all their border crossing points simultaneously should be able to do so.

Members considered that Member States that instead decide to use a gradual roll-out of the EES should be allowed more flexibility than foreseen in the Commission proposal. Instead of starting from at least 10 % from day one, Member States should be allowed to build up to **10 % in the first 30 days of the progressive start of operations**. And instead of registering at least 50 % of the estimated number of border crossings in the EES by day 90, they should reach **at least 35 %**.

Roll-out plans and monthly reports

By the 30th calendar day following the entry into force of the Regulation, the European Union Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) will submit to the European Parliament, the Commission, the Member States and Europol a **high-level roll-out plan** on the progressive start of operations of the EES. That plan should support the effective and continuous functioning of the EES Central System, include fall-back procedures for the functioning of the EES Central System and provide guidance on the use of the EES for end-users, including Member States and Europol.

By the 60th calendar day following the entry into force of the Regulation, Member States, in consultation with the Commission and eu-LISA, will develop **national roll-out plans** on the progressive start of operations of the EES, taking into account the high-level roll-out, and submit those plans to the Commission.

Where a Member State does not start operating the EES fully from the beginning of the progressive start of operations of the EES, the national roll-out plan will specify how the thresholds and requirements will be met. EU-Lisa will assess whether the national roll-out plans are consistent with the high-level roll-out

plan and will confirm that they do not contain any deficiencies which could further delay the entry into operation of the EES. Member States will inform relevant stakeholders of the border crossing points where they plan to start operating the EES and of their planned use of the biometric functionalities of the EES.

At the request of the Commission, eu-LISA will provide the Commission with the statistics necessary for the Commission to monitor the implementation of the high-level roll-out plan and the national roll-out plans.

The **eu-LISA Management Board** will adopt the high-level roll-out plan to support the effective and continuous operation of the EES Central System.

The Commission will issue: (i) guidelines to facilitate the adoption of national roll-out plans and monthly reports by the Member States that are concise and proportionate; (ii) guidelines on the processing of personal data in the EES during the progressive start of operations.

Access to EES data

Members clarified that national authorities and Europol should not take decisions adversely affecting individuals solely on the basis that a registration of an alleged entry or exit is absent in the EES.

Suspension of the EES

For a period of 60 calendar days after the end of the progressive start of operations of the EES, Member States may partially suspend operating the EES, at a certain border crossing point for a **limited time of maximum 4 hours within a day** and only in exceptional circumstances leading to traffic of such intensity that the waiting time at a border crossing point becomes excessive.

Lastly, the report stated that Member States which have not yet submitted their declaration of readiness are urged to do so within **30 days** after the entry into force of this Regulation.