

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

2024/0315(COD) - 08/07/2025 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 572 votes to 42, with 67 abstentions, a legislative resolution 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 a progressive start of operations of the Entry/Exit System (EES).

The European Parliament adopted its position at first reading by amending the Commission's proposal as follows:

## *Subject matter*

The Commission 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 proposed Regulation lays down rules on the progressive start of operations of the Entry/Exit System and on **temporary derogations** from certain provisions of Regulations (EU) 2017/2226 and (EU) 2016/399.

## *Progressive start of operations of the EES*

By way of derogation from Regulation (EU) 2017/2226, during the progressive start of operations of the EES, the Member States should use the EES as follows:

- From the first day of the progressive start of operations of the EES, each Member State should start using the EES on entry and exit at one or more border crossing points with, if possible and applicable, a combination of air, land and sea border crossing points, to record and store data of third-country nationals. By the **30th day** from the first day of the progressive start of operations of the EES, each Member State should register in the EES at least **10 %** of the estimated number of border crossings for that Member State;
- By the **90th day** from the first day of the progressive start of operations of the EES, each Member State should operate the EES with **biometric functionalities** at least half of its border crossing points. Each Member State should register in the EES at least **35 %** of the estimated number of border crossings for that Member State;
- By the **150th day** from the first day of the progressive start of operations of the EES, each Member State should operate the EES with biometric functionalities at all its border crossing points and should register in the EES at least 50 % of the estimated number of border crossings for that Member State;
- By the **170th day** from the first day of the progressive start of operations of the EES, each Member State should operate the EES with biometric functionalities at all its border crossing points and should register in the EES all third-country nationals referred to in Regulation (EU) 2017/2226.

## *Roll-out plans and reporting*

By **30 days** from the date of entry into force of this Regulation, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) should provide the European Parliament, the Council, the Commission and the Member States, as well as Europol, with a high-level roll-out plan for the progressive start of operations of the EES (**the 'eu-LISA high-level roll-out plan'**).

That plan should: (i) support the effective and continuous operation of the EES Central System by confirming performance and availability targets of the EES Central System, as well as the strategy regarding potential functional minor, major and blocking defects; (ii) indicate contingency procedures; (iii) provide guidance on the functioning of the EES Central System to the Member States and Europol. The eu-LISA high-level roll-out plan should be adopted by eu-LISA's Management Board.

By **60 days** from the date of entry into force of this Regulation, in consultation with the Commission and eu-LISA, each Member State should develop a **national roll-out plan** for the progressive start of operations of the EES and transmit that plan to the Commission. The Commission should consider the overall coherence of all national roll-out plans and whether each national roll-out plan is compliant with the thresholds and requirements for phased implementation.

Where a Member State plans to start operating the EES or to use the biometric functionalities of the EES at a specific border crossing point, that Member State should inform the operators of infrastructure hosting that border crossing point thereof.

From the 30th day from the first day of the progressive start of operations of the EES, Member States should provide **monthly reports** to the European Parliament, the Council, the Commission and eu-LISA confirming the implementation of their national roll-out plans or identifying deviations and corrective measures where such were necessary.

#### ***Access to EES data***

Members clarified that national authorities and Europol should not take decisions adversely affecting individuals solely on the basis of there being no registration of the alleged entry or exit in the EES.

#### ***Suspension of the EES***

All Member States, regardless of whether they start using the EES fully or progressively, should have the possibility to suspend the operations of the EES at certain border crossing points, **fully or partially**, during the progressive start of operations of the EES. Member States should use that possibility only when such suspension is strictly necessary and for the shortest period possible.

All Member States should have the possibility, in **exceptional circumstances** that lead to traffic of such intensity that the waiting time at a border crossing point becomes excessive, to suspend the registration of biometric data in the EES after the end of the progressive start of operations of the EES. Such a suspension should be possible during a limited period of **90 days** after the end of the progressive start of operations of the EES. That period should be automatically extended by 60 days if less than **80 %** of the individual files registered in the EES during the progressive start of operations of the EES contain biometric data.