Basic information

2021/2994(DEA) DEA - Delegated acts procedure	Procedure completed - delegated act enters into force
Further defining security, illegal immigration or high epidemic risks Supplementing 2016/0357A(COD) **Subject** 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas	

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	LIBE Civil Liberties, Justice and Home Affairs		

Key events

Date	Event	Reference	Summary
23/11/2021	Non-legislative basic document published	C(2021)04981	Summary
23/11/2021	Initial period for examining delegated act 2 month(s)		
15/12/2021	Committee referral announced in Parliament		
01/02/2022	Delegated act not objected by Parliament		

Technical information

Procedure reference	2021/2994(DEA)
Procedure type	DEA - Delegated acts procedure
Procedure subtype	Examination of delegated act
Amendments and repeals	Supplementing 2016/0357A(COD)
Stage reached in procedure	Procedure completed - delegated act enters into force
Committee dossier	LIBE/9/07764

Documentation gateway

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	C(2021)04981	23/11/2021	Summary

Further defining security, illegal immigration or high epidemic risks

2021/2994(DEA) - 23/11/2021 - Non-legislative basic document

This Commission delegated decision supplementing Regulation (EU) 2018/1240 establishing a European Travel Information and Authorisation System (ETIAS) with a view to specifying the security or illegal immigration risks or the high epidemic risk. Its main aim is to define the requirements and specifications of a technical nature which are necessary for the further development and technical implementation of ETIAS.

Background

Regulation (EU) 2018/1240 on ETIAS requires the European Commission to adopt delegated acts for the development and technical implementation of the European Travel Information and Authorisation System. In particular, the power is delegated to the Commission to 'specify security or illegal immigration risks or a high epidemic risk' on the basis of the statistics and information referred to in Article 33(2)(a) to (f) of the ETIAS Regulation.

The definition of security, illegal immigration or epidemic risks, by collecting and analysing the statistics, information and reports referred to in Regulation (EU) 2018/1240 should produce sets of characteristics of specific groups of travellers associated with these risks. Interpretation of these sets of characteristics will allow the identification of specific risks. These in turn will form the basis for the development of specific risk indicators.

An expert group on border and security information systems has been established to assist in the drafting of the delegated act. The European Border and Coast Guard Agency, where the ETIAS Central Unit will be established, and Europol were also consulted. The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) has advised the Commission on the technical requirements and feasibility of the proposed initiative. The European Data Protection Supervisor was also consulted.

Content

This delegated Decision **specifies the security, illegal immigration or high epidemic risks on the basis of the detailed statistical data and information** referred to in Article 33(2) of Regulation (EU) 2018/1240.

The Decision shall provide for:

(1) the assessment of statistical data on overstay, refusal of entry or refusal of travel authorisation: for this purpose, the ETIAS Central Unit should estimate the total number of cases associated with these practices, identify the specific groups of travellers for whom these practices occur at abnormal rates, determine the sets of characteristics of the specific groups of travellers in question, as well as any correlation with the information collected in their application form;

(2) Member States' analysis of specific security risks or threats: this assessment should include: (i) a description of the security risk or threat identified, including the frequency, trends and impacts of past incidents; (ii) a list of known facts and evidence related to the security risk or threat identified; (iii) the sets of characteristics of specific groups of travellers associated with the security risk or threat identified. This analysis should be reviewed every six months.

(3) Member States' analysis of abnormal overstay and refusal of entry rates: Member States will be required to provide evidence-based sets of characteristics of specific groups of travellers associated with overstay and refusal of entry. This analysis should be reviewed every six months.

(4) specific high epidemic risk analysis: epidemiological risk assessments provided by Member States, including through the Network for the Epidemiological Surveillance and Control of Communicable Diseases and the Early Warning and Response System, the European Centre for Disease Prevention and Control and the World Health Organisation, should include a minimum level of detail to identify sets of characteristics of specific groups of travellers associated with high epidemic risk.

The individual assessment referred to in this Decision do not contain any personal data.

Following the adoption of these decisions, the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) should start developing ETIAS.