

Basic information	
<b>2024/0315(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Entry/Exit System: temporary derogation from certain provisions as regards a progressive start of operations of the Entry/Exit System  <b>Subject</b> 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	LIBE	Civil Liberties, Justice and Home Affairs	KANKO Assita (ECR)	27/01/2025
			Shadow rapporteur TEODORESCU MĂWE Alice (EPP) ASSIS Francisco (S&D) EHLERS Marieke (P/E) OETJEN Jan-Christoph (Renew) MARQUARDT Erik (Greens /EFA) DEMIREL Özlem (The Left)	
Council of the European Union				
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Migration and Home Affairs		BRUNNER Magnus	


Key events			
Date	Event	Reference	Summary
04/12/2024	Legislative proposal published	COM(2024)0567 	Summary
20/01/2025	Committee referral announced in Parliament, 1st reading		
23/04/2025	Vote in committee, 1st reading		

23/04/2025	Committee decision to open interinstitutional negotiations with report adopted in committee		
29/04/2025	Committee report tabled for plenary, 1st reading	<a href="#">A10-0082/2025</a>	<a href="#">Summary</a>
05/05/2025	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
07/05/2025	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
04/06/2025	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
08/07/2025	Decision by Parliament, 1st reading	<a href="#">T10-0141/2025</a>	<a href="#">Summary</a>
08/07/2025	Results of vote in Parliament		
18/07/2025	Act adopted by Council after Parliament's 1st reading		
18/07/2025	Final act signed		
23/07/2025	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	2024/0315(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Regulation
<b>Legal basis</b>	Treaty on the Functioning of the European Union TFEU 077-p2 Treaty on the Functioning of the European Union TFEU 087-p2
<b>Other legal basis</b>	Rules of Procedure EP 165
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	LIBE/10/01637

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE770.093</a>	04/03/2025	
Amendments tabled in committee		<a href="#">PE772.011</a>	28/03/2025	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A10-0082/2025</a>	29/04/2025	<a href="#">Summary</a>
Text adopted by Parliament, 1st reading/single reading		<a href="#">T10-0141/2025</a>	08/07/2025	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type	Reference	Date	Summary	
Draft final act	<a href="#">00017/2025/LEX</a>	16/07/2025		

## European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2024)0567 	04/12/2024	Summary
Commission response to text adopted in plenary	SP(2025)09	12/09/2025	

## National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_CHAMBER	COM(2024)0567	05/03/2025	

## Additional information

Source	Document	Date
European Commission	EUR-Lex	

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	Role	Committee	Date	Interest representatives
TEODORESCU MĂWE Alice	Shadow rapporteur	LIBE	24/03/2025	GETLINK
TEODORESCU MĂWE Alice	Shadow rapporteur	LIBE	06/03/2025	Airlines for Europe
OETJEN Jan-Christoph	Shadow rapporteur	LIBE	04/03/2025	Fraport AG - Frankfurt Airport Services Worldwide

### Other Members

Transparency		
Name	Date	Interest representatives
MANDL Lukas	20/05/2025	Vienna Airport

## Final act

Regulation 2025/1534  
OJ OJ L 23.07.2025

# 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.

# **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.

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

2024/0315(COD) - 04/12/2024 - Legislative proposal

**PURPOSE:** to lay down rules on a progressive start of operations of the Entry/Exit System (EES) at the borders of the Member States at which the EES is operated.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the Entry/Exit System (EES) is a crucial component of the border management of the Schengen area, laid down in Regulation 2017/2226 (EES Regulation). As a centralised database, the EES registers entries, exits and refusals of entry of third-country nationals crossing the external borders of 29 Schengen Member States for a short stay. The system will collect biometric data, such as facial images and fingerprints of third country nationals crossing the external borders. The EES will grant Schengen Member States real-time access to third-country nationals' personal data, travel history and information on whether they comply with the authorised short-stay period in the Schengen area. As a result, the EES will significantly reduce the likelihood of identity fraud and overstay, ultimately strengthening the security of the Schengen area.

Member States, eu-LISA and the Commission have made significant efforts to launch the EES before the end of 2024. However, at the Home Affairs Council on 10 October 2024, the Commission informed that it had not yet received the required declarations of readiness from all Member States, which is a legal requirement to be able to start the operation of the system.

**CONTENT:** the current EES Regulation only allows for a full start of operations, and it does not offer flexibility to Member States to address remaining challenges while already operating the EES. The Commission has therefore put forward this proposal for a **progressive start of operations** of the EES over a period of six months. It offers flexibility to Member States to roll out the EES according to their capabilities while respecting the minimum thresholds established by the EES Regulation. At the same time, those Member States who are ready to start using the EES fully from day one will be able to do so.

The general objective of the proposal is to facilitate the operationalisation of the EES Regulation, thereby enabling Member States to achieve the system's objectives set out in the EES Regulation in a timely and efficient manner.

The proposal lays down the following provisions:

### ***Phased deployment***

It is proposed that Member States will progressively start the EES operations, beginning with a minimum registration of **10% of estimated border crossings** and reaching full registration of all individuals by the end of the period of the progressive start of operations. Refusals of entry will be registered at the border crossing points at which the EES operates. Member States will have the possibility to accelerate implementation at national level or start operating the EES fully. Europol will also start using the EES from the first day of the progressive start of operations.

### ***Roll-out plans, monitoring and reporting***

The details of a progressive entry into operation at central and national level will be set out in the roll-out plans of eu-LISA and Member States, upon consultation with the Commission. Member States will provide monthly progress reports to the Commission and eu-LISA.

### ***Temporary rules derogating from the EES Regulation and the Schengen Borders Code***

Mandatory stamping of travel documents for all individuals falling in the scope of the EES will remain in place until the end of the period of the progressive start of operations. Where the EES is deployed, Member States will record travellers' data from their travel documents. Member States may record biometric data progressively.

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

Relevant authorities should consider that the data registered in the EES during the progressive start of operations of the EES may be incomplete. Data registered in the EES during the period of the progressive start of operations will not be used by the European Border and Coast Guard Agency for risk analysis and vulnerability assessments. The use of several EES functionalities requiring the uniform application of the EES in all Member States will be suspended during the progressive start of operations. Carriers may only start using the web service 90 days after the start of the period of the progressive start of operations.

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

In **exceptional cases** of failure of the EES Central System, national systems or communication infrastructure, or excessive waiting times at borders, Member States can decide not to record any data (full suspension) or not to record biometric data (partial suspension). Partial suspension will be possible after the end of the progressive start of operations for a limited period in exceptional circumstances leading to traffic of such intensity that the waiting times at borders become excessive.