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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	8308/1/23 REV 1
Subject:	Frontex report on the ETIAS state of preparation

Delegations will find enclosed Frontex's 10th report on the ETIAS state of preparation.

E-MAIL

FRONTEX
EUROPEAN BORDER AND COAST GUARD AGENCY

Ref. Ares(2023)7204888 - 23/10/2023

IM 011896 2023
23-10-2023

Ms Cristina Sosa Erdozain
Home Affairs Coordinator

Dear Ms Sosa Erdozain,

In accordance with Article 92(2) second subparagraph of the Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing the European Travel Information and Authorisation System (ETIAS), every six months Frontex shall submit a report to the European Parliament and the Council on the state of preparation of ETIAS.

The document in the Annex constitutes the tenth report of Frontex and covers the six months period from April 2023 to September 2023.

Please accept the assurances of my highest consideration.

Yours sincerely,

Electronically signed

Hans Leijtens

Executive Director

CC: Mr Luis Cerdan Ortiz-Quintana, JHA Counsellor
        Ms Thérèse Blanchet, Secretary-General of the Council of the European Union;
        Ms Christine Roger, Director-General Justice and Home Affairs;
        Mr Kim Freidberg, Director Home Affairs.

Annex: Frontex's report to the European Parliament and the Council on the state of preparation of ETIAS.

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FRONTEX
EUROPEAN BORDER AND COAST GUARD AGENCY

Frontex's report to the European Parliament and the Council on the state of preparation of ETIAS

Period covered: April 2023 to September 2023

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Frontex's report to the European Parliament and the Council on the state of preparation of ETIAS

Period covered: April 2023 to September 2023

Background information

Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018[1] (the 'ETIAS Regulation') establishes the European Travel Information and Authorisation System (ETIAS) applicable to visa-exempt third-country nationals seeking to enter the territory of the Member States.

The ETIAS Regulation entrusts the setup and the operation of the ETIAS Central Unit to the European Border and Coast Guard Agency (Frontex). For this scope, Frontex cooperates with the European Commission, eu-LISA, Europol, the Member States, and the Schengen Associated Countries that are participating to the development of the provisions of the Schengen acquis.

In accordance with Article 92(2) second subparagraph of the ETIAS Regulation, Frontex shall submit every six months a report to the European Parliament and to the Council on the state of preparation for the implementation of the ETIAS Regulation. Such report shall include detailed information about the costs incurred and information as to any risks which may impact the overall costs of the system to be borne by the general budget of the Union.

This report covers the activities during the period from April 2023 to September 2023. This report builds on the previous report submitted to the European Parliament and to the Council on 14 April 2023.[2]

Whilst this report is addressed to the European Parliament and to the Council, it is sent in parallel to the European Commission.

Executive Summary

During the Justice and Home Affairs Council (JHA) of March 2023 exchanged views on the state of play of the implementation of interoperability and notably on the delayed start of the Entry/Exit System (EES), which will undoubtedly drive a revision of the date of entry into operation of the European Travel Information and Authorisation System (ETIAS).

While waiting for the Justice and Home Affairs Council (JHA) of October and for a revised timeline for the roll out of the new interoperability architecture, the Agency continued the implementation of the project activities for the setting up of the ETIAS Central Unit and managed *inter alia* to finalise the recruitment procedure and onboarding activities of the third wave of ETIAS Operators, as well as to update the training course for ETIAS Central Unit staff. The Agency also proceeded with the drafting of the content of the ETIAS public website, the development of standard operating procedures for application handling and carrier support and kept improving many of the core capabilities.

Cooperation with the external stakeholders continued, to ensure the alignment of the legal, business, and technical streams for the development of the ETIAS. In this regard, Frontex supported the

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[1] Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) (OJ L 236, 19.9.2018, p. 1).

[2] Our ref. : Ares (2023)2643874 - 14/04/2023

Commission, eu-LISA, Europol, and the Member States/Schengen Associated Countries in their respective activities for the implementation of ETIAS.

Project risks were continuously managed; based on the continuous assessment of the risks' likelihood, impact and level, it was identified that highest priority risk resides on the current lack of the Carrier and Traveller Support Tools due to the delays in their development by the eu-LISA, as well as the risk of not completing on time the sections of the ETIAS website related to the exercise of data subject rights and appeals due to missing input from some Member States for ETIAS. At this stage such risks do not yet appear critical.

Currently there are no major budgetary issues which may impact the overall costs to be borne by the general budget of the Union.

1. Project Organisation

The setting up of the ETIAS Central Unit is divided into project phases, with additional supporting activities being performed in parallel.

1.1. Project phases

1.1.1. Initiating and planning phase

The initiating and planning phase of the project of setting up the ETIAS Central Unit concluded, as reported in the previous reporting periods.

1.1.2. Executing phase

The current executing phase aims at providing a fully functioning ETIAS Central Unit by the entry into operation of ETIAS. The baseline for this phase was modified because of the delays adopted in the roll out of ETIAS by eu-LISA. During the reporting period, progress has been made in all work streams including the recruitment of new staff for the ETIAS Central Unit, the creation of the ETIAS public website content and the development and documentation of the work processes and procedures. The preparation for the testing of the system and of the relevant procedures, as well as the support provided to the main stakeholders in the shared project activities continued. The Agency considered the successful cooperation with all relevant ETIAS stakeholders as crucial for the progress of the project activities and for the efficient conclusion of this phase.

1.1.3. Closing phase (Transition into operation)

This phase will ensure that all necessary activities are performed by the Agency to enable a fully functioning ETIAS system, including its interoperability with the relevant IT systems of the Member States/Schengen Associated Countries' infrastructure and of the carriers. Besides, it aims at securing that all processes, procedures, control mechanisms and monitoring systems are in place and that staff is duly trained and ready to execute its tasks. It will also include the setting up of the ETIAS Screening Board and of the ETIAS Fundamental Rights Guidance Board. This phase will be completed by the entry into operation of ETIAS by a Commission Decision.

2. Workstreams progress

Frontex achieved results in several areas during the reporting period. The main activities included:

2.1. Preparation activities

2.1.1. Continuous review of the planning

While waiting for the Justice and Home Affairs Council (JHA) of October and for a revised timetable for the roll out of the new interoperability architecture, the Agency continued to assess all possible scenarios and identify measures to mitigate any possible delay in the start of the Entry/Exit System (EES), which will undoubtedly drive a revision of the date of entry into operation of the European Travel Information and Authorisation System (ETIAS).

It continued to adapt the planning of the project for the set-up of the ETIAS Central Unit. The adaptation of the project planning will continue until ETIAS enters operation. This ensures the alignment of the ETIAS Central Unit activities with the milestones and the development of the ETIAS Central System, as well as the fulfilment of its compliance obligations.

2.1.2. Implementation of the organisational structure of the ETIAS Central Unit

During the period covered by the present report the ETIAS Central Unit continued to implement its organisational framework through the development of internal rules, standard operating procedures and by further building up its managerial structure.

The ETIAS Central Unit Division is currently divided into the following units and offices:

(a) the **Application Handlers' Unit**, which shall be responsible for the processing of applications of third-country nationals for an ETIAS travel authorisation, operating 24 hours a day, 7 days a week.

(b) the **Assistance Centre Unit** which shall be responsible for assisting travellers, carriers, and border authorities, operating 24 hours a day, 7 days a week.

(c) a **Data Management Office** responsible for carrying out the self-monitoring and data controller functions for the data processed by the ETIAS Central Unit Division.

(d) a **Coordination Office**, providing business management, corporate planning, and reporting, as well as horizontal coordination for the ETIAS Central Unit Division.

2.1.3. Recruitment procedures state of play

During the reporting period the Agency carried out the following activities on recruitment of resources to the ETIAS Central Unit:

- Finalized the recruitment of the Head of Data Management Office, Deputy Head of Application Handlers Unit and Deputy Head of Assistance Centre Unit.
- Completed the recruitment and onboarding of four Team Leaders within the Application Handlers Unit.
- Finalized the recruitment of one Stakeholders Management Officer.
- Completed the recruitment and onboarding of the third wave of Application Handlers, MID operators, and Traveller and Carrier Support Operators, and ensured the start of their mandatory training as per ETIAS Regulation.
- Proceeded with the recruitment procedure of Risk Screening Officers and Data Management Officers.

The recruitment needs will continue to be monitored, analysed, and evaluated during the next reporting period and will be integrated in the broader recruitment goals of the Agency, in accordance with the respective establishment plan and post allocation exercise.

At the end of September 2023, the staffing of the ETIAS Central Unit Division consists of 193 staff members and is divided as follows:

Staff category/Entity	ETIAS Central Unit Division	Application Handlers Unit	Assistance Centre Unit	Data Management Office	Coordination Office
TAs	1	15	2	1	5
CAs	1	144	23	0	1

2.1.4. Allocation of human resources to the project and ETIAS Central Unit

In the reporting period 42 ETIAS operators were assigned to internal work streams, whereas 55 ETIAS operators were supporting other business entities within the Agency, including those supporting indirectly the advancement of the ETIAS project in other entities within Frontex.

Following the recruitment of the third wave of ETIAS operators, the ETIAS Central Unit Division performed an internal needs assessment focusing on those internal workstreams necessary for the development of business capabilities for setting up and running the ETIAS Central Unit.

To ensure an optimal allocation of human resources in the period before the entry into operation of EES/ETIAS, the ETIAS Central Unit started the Talent Screening exercise of the ETIAS operators onboarded in September 2023, as tool supporting staff management activities.

The results of the Talent Screening Exercise, as well as the consequential human resources allocation activities will be carried out in the next reporting period, in line with the updated identified priorities.

The ETIAS Central Unit will continue the regular monitoring of the use of resources to ensure continuous adaptations to the internal evolving needs, and adjustments in the planning.

2.1.5. Premises of the ETIAS Central Unit

During the reporting period, Frontex finalised the relocation of the ETIAS Central Unit to the new premises. The new ETIAS premises will provide for alternative office facilities for Frontex HQ in case of disaster or serious event. Furthermore, the ETIAS Central Unit finalised the activities related to establishing a back-up data centre in a separate location.

2.1.6. Security, Business Continuity and Disaster Recovery plans

The ETIAS Regulation (Art.59) provides that ETIAS Central Unit has to prepare, adopt and implement the relevant security, business continuity and disaster recovery plans to ensure the security of the ETIAS Information System and of the personal data stored, as well as to secure that in case of interruption the installed systems and processes can be restored to normal operation.

ETIAS Central Unit continued its work in this area, by reviewing and updating the security plans, business continuity and disaster recovery plans to reflect/include the new risks and contingency measures concerning the new ETIAS premises and back up site. According to the established methodology, the above-mentioned plans must be revised every six months and updated in case of changes. The second review is planned to be completed by the end of 2023.

2.1.7. Assistance to carriers and travellers

Frontex, in cooperation with eu-LISA and the European Commission, continued supporting carriers by contributing with presentations to the carriers Working Group meetings and participating in carrier awareness sessions held on a regular basis.

Developments in different workstreams for the support of carriers (e.g., elaboration of frequently asked questions (FAQs) for carriers, standard operational procedures for carriers, guidelines for ENU's and border authorities, scenarios for cruise carriers as well as internal procedures) continued over the reporting period. The developed FAQs have been published in the eu-LISA web site and are regularly updated.

The cooperation with eu-LISA continued in relation to the coordination of the carrier onboarding and support tool and Frontex has initiated the development of the phone line support for the

assistance to be provided to carriers. The Agency has also worked closely with eu-LISA to define the requirements for the travellers' support.

2.1.8. ETIAS website

2.1.8.1. Development of the content for the official ETIAS website

During the reporting period, the Agency continued to work on the development of the website sections that will provide information about the applicants' right to appeal in case their ETIAS application is refused, revoked, or annulled. Several bilateral meetings with Member States took place, supported by regular email exchanges aiming at aiding in the completion of the templates with the information about the national procedures for the appeal against an ETIAS decision.

In June, the Agency asked the Member States to officially approve their templates containing the appeal process information. At the current state of play, eighteen Members States have provided their formal approval on the documents prepared. Reminders have been sent to other Member States that have not responded yet. The templates have been shared with Commission who approved them and agreed with the proposed solution on how to present the information on the ETIAS public website.

The communication with the two Member States (Greece, Cyprus), which had not provided any input during the previous reporting period, was established, and developing.

The translation of the approved templates will take place during the next reporting period. The templates for the exercise of data subject rights are still under development.

In addition, Frontex continued developing the data protection guidelines, which aim to support the data subjects in exercising their data protection rights towards the ETIAS controllers by including the detailed information provided by Member States, Europol, and eu-LISA. The Agency developed the preliminary draft of the guidelines which will be subject of consultations with Member States, Europol, and eu-LISA. These guidelines will be then consulted with the European Data Protection Supervisor.

Once the website content is finalized, the entire text will be translated into all official languages of the EU, including Norwegian and Islandic, along with the 13 official languages of the countries listed in Annex II to Regulation (EU) 2018/1806 and published by the date of entry into operation.

2.1.8.2. Temporary ETIAS website and outreach activities

In view of the delays with the creation of the overall ETIAS Central System, Frontex finalised the content of a temporary ETIAS website currently hosted by DG HOME. The URL of the temporary website is the final one: https://travel-europe.europa.eu/etias.

The temporary website provides travellers and the public with basic information about ETIAS, including eligibility criteria, conditions, and procedures for applying for a travel authorisation, the possibility to report abuse, timeline for application decisions and the right of the applicants to appeal.

To pre-empt the rapid emergence of fake or unofficial ETIAS websites - currently almost 60 such websites are already operating across the world - Frontex is working with the communications officers' network which includes press officers of Member States, DG HOME, EEAS, the Council, eu-LISA and Europol to raise public awareness of the official ETIAS website across the globe. Three meetings of the ETIAS press officers' network took place during the reporting period. In an effort to explain the new travel requirements for visa-free travellers to the public and to its numerous

stakeholders and to counter the growing misinformation about ETIAS, Frontex together with communications officers of DG HOME, also works with the Advisory Group on Communications including communications officers from major organisations gathering international tourism and travel sector and is strengthening its cooperation with EEAS communications team to involve EU delegations in the ETIAS-required countries. To support the above-mentioned institutions, Frontex produces weekly media monitoring reports focusing on detecting ETIAS-related misinformation, monthly info packs for communications officers and a Quarterly ETIAS Magazine aiming to raise awareness about ETIAS among its stakeholders.

2.1.9. Training activities

Over the period considered, Frontex carried out three ETIAS training courses for ETIAS National Unit staff (two in May and one in September 2023), aimed at supporting Member States/Schengen Associated Countries in building their capacity to implement the ETIAS at the external borders.

The target group of the training were 48 staff members of the ETIAS National Units from 23 EU Member States/Schengen Associated Countries and from Europol. Designed in line with the Sectoral Qualification Framework for Border Guarding, the course was delivered by trainers from ETIAS Central Unit, Europol, eu-LISA, FRA, and Member States.

2.2. Supporting activities

2.2.1. Support to the European Commission

Frontex continued to support the European Commission in the elaboration and development of the Delegated and Implementing Acts by providing contributions. The Agency participated proactively in meetings of the respective fora, i.e.: the Smart Borders Committee, the ETIAS Expert Group and the Working Group for Carriers.

2.2.2. Support to the Member States.

Frontex, in collaboration with the European Commission, and with the support of eu-LISA and Europol, continued organising meetings with the EU Member States and the Schengen Associated Countries. The meetings serve as a platform for sharing knowledge, exchanging best practices, and addressing issues with a particular focus on organisational and operational matters. They aim at ensuring that the ETIAS National Units and ETIAS Central Unit, once in operation, will function in a coherent and efficient way by applying harmonised processes, procedures, and practices. During the reporting period the ETIAS Central Unit organised two meetings.

The Agency sent out to the Member States, European Commission, eu-LISA and Europol the invitation to establish a working group on data protection matters. An ETIAS Workshop on Data Protection matter has been scheduled for the next reporting period.

The Agency continued the development activities in the risk screening work stream, including the development of risk screening procedures and the delivery of training sessions on the risk screening capabilities to the ETIAS National Units' representatives. The fourth meeting of the Working Group on Setting up of the ETIAS Screening Board (ESB), as well as the fourth meeting of the Working Group on Risk Screening Operations took place in the reporting period.

In addition, the ETIAS Central Unit further enhanced the toolkit for operational support to Member States, with the aim of providing a catalogue of services for the benefit of Member States implementing ETIAS obligations. The toolkit will be further improved during the next reporting period.

2.2.3. Support to eu-LISA

During the reporting period Frontex continued to support eu-LISA on the:

(i)   Participation in governance bodies organised by eu-LISA to oversee and monitor the implementation of ETIAS.
Frontex participated with Representatives in the:

- ETIAS Programme Management Board ('ETIAS PMB'), in accordance with Article 73(4) of the ETIAS Regulation: The ETIAS PMB holds monthly meetings and reports to eu-LISA's Management Board.
- EES-ETIAS Advisory Group ('EES-ETIAS AG'), in accordance with Article 91 of the ETIAS Regulation: EES-ETIAS AG is mandated to follow up on the state of preparations of the Member States and covers the preparation activities of the involved agencies. The EES-ETIAS AG holds monthly meetings and reports after each meeting to the ETIAS PMB.

(ii) Business/User requirements.
During the reporting period, the Agency actively participated in the weekly meetings organized by eu-LISA on the requirements and processes to be implemented in the ETIAS Central System and continued the review of the draft requirements that will be used by the eu-LISA contractor(s) to technically develop ETIAS.

(iii) ETIAS Data Protection Impact Assessment (DPIA).
During the reporting period, Frontex continued reviewing the second version of the DPIA shared by eu-LISA to provide further input.

(iv) Requirements for the carrier onboarding and support tool.
A new contract has been signed. The review and update of the requirements are taking place. These activities will be followed by the development of the carrier on boarding and support tool. The cooperation will continue over the next reporting period as it is essential to guarantee the development of a support tool fit for purpose for the ETIAS Central Unit as well as for eu-LISA.

(v)   ETIAS Central System notifications.
The consultations on the development of notifications that will be sent to the ETIAS applicants by the ETIAS Central System were resumed. Any additional notification needs identified by Frontex were communicated to eu-LISA. Discussions among Commission, Frontex and eu-LISA on this topic will continue during the next reporting period.

(vi) Implementation of functionalities in the ETIAS Central System supporting the EDPS and national data protection supervisory authorities' functions.
Frontex continued the discussions and exchanges with the Commission and eu-LISA to explore and assess the technical options for the creation of repositories per each ETIAS National Unit, as well as for the ETIAS Central Unit to upload written documents for review of the EDPS and national data protection supervisory authorities regarding the actions taken on data subjects' requests.

2.2.4 Support to Europol

The second workshop has been co-organized by Frontex and Germany with the participation of eu-LISA, Europol, Commission and seven Member States in Frankfurt on 26-27 September with the objective to improve the understanding of Europol's procedures related to the queries performed by the ETIAS Central System in the Europol information systems and the ETIAS Watchlist.

3. Governance

The project for the setting up of the ETIAS Central Unit is part of the ETIAS and Interoperability Programme. The latter includes closely related projects or activities: Central Repository for Reporting and Statistics ('CRRS'), Multiple Identity Detector ('MID'), access to Schengen Information System ('A2SIS'), as well as Frontex's activities deployed related to the implementation of the Entry and Exit System (EES) supporting the Member States.

During the reporting period Frontex contributed to the overall governance of the setup of the ETIAS Central System by participating in the EES-ETIAS Advisory Group, the ETIAS Programme Management Board and by attending the eu-LISA Management Board meetings.

4. Budget Execution

The budget allocated for the ETIAS Project in 2023 amounts to approximately EUR 2,7 million. To date approximately EUR 0,73 was committed and most expenses are related to the cost of Project Management Office support and organisation of meetings. Additionally, funds were allocated to representation of ETIAS in conferences and translation of the website.

Currently there are no major budgetary risks, which may impact the overall costs to be borne by the general budget of the Union.

5. Major Risks

The following major risks which may impact the overall costs to be borne by the general budget of the Union in accordance with Article 85 of the ETIAS Regulation are identified:

Risk	Description	Management approach
Lack of the Carrier and Traveller Support Tools due to delays in their development by eu-LISA.	The necessary tools for the implementation of the support to Carriers' and Travellers have not been delivered by eu-LISA. This may result in a delay in testing and training activities.	eu-LISA has engaged a new contractor to deliver the necessary tools and the preparatory works for the development are ongoing.
Risk of not completing in a timely manner the ETIAS public website by the time of entry into operation of the ETIAS due to lack of input from Member States.	The ETIAS public website shall provide information on the appeals. This activity has to be completed six months before the start of operations and cannot be finalised without the MSs input. At the current state: Some Member States have not adopted the ETIAS related legislation. Consequently, their input to the ETIAS public website is not final and may be	Frontex regularly raises awareness without any particular effect so far.

	subject to amendments, as per the legislation to be adopted. A few Member States have not provided any contribution on their national procedures for appeals and data protection. The lack of publication of this information in the ETIAS public website would constitute a compliance issue.	
Risk of having the ex-post/ ex-ante assessment functionality for the risk screening of the ETIAS applications either not developed on time or not compliant with the functional needs for the risk screening rules.	The ex-post/ ex-ante assessment functionality would not be developed on time or would not implement all the necessary requirements to execute reliable assessments of the risk indicators and the screening rules because the interpretation of the legislation leads to different conclusions in relation with the technical implementation between eu-LISA and ECU. The lack of this functionality or a partial implementation of it would constitute a compliance issue.	Further refinement and documentation of the analysis, the possible technical solutions, their respective level of legal compliance, technical feasibility and impact on the timeline in order to enable decision making on the solution to implement.