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

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**10th Report to the European Parliament and the
Council of the European Union on the implementation
of ETIAS
October 2023**

Table of Contents

1. Background	2
2. Executive summary	2
3. Work streams' progress.....	3
3.1. Implementation of ETIAS at Europol	3
3.2. Support to other ETIAS stakeholders	5
4. Governance	6
5. Budget execution	6
6. Major Risks.....	8

1. Background

This report aims to inform the European Parliament and the Council of the European Union on the developments at Europol regarding the implementation of the European Travel Information and Authorisation System (ETIAS), in accordance with the reporting requirement of Article 92(2) of the ETIAS Regulation¹.

This is the tenth progress report of its kind. Since eu-LISA and the European Border and Coast Guard Agency (Frontex) are subject to the same reporting obligation, the three agencies have agreed to assimilate the format of the reporting, so that the topics that the three agencies report on are consistent.

Whilst this report is addressed to the European Parliament and the Council in accordance with the said reporting obligation, it is sent in parallel to the European Commission.

2. Executive summary

Similarly to the previous reporting period, in the current reporting period (April 2023 – September 2023) the preparations by Europol were significantly affected by the delays in the development of ETIAS Central System as a result of issues which emerged in the development of the Entry/Exit System (EES). Despite certain progress in EES development and the endorsement of eu-LISA Management Board of the new high-level roadmap for the implementation of the Interoperability Agenda at the European Union level, various ETIAS Central System related developments and testing activities continue to be delayed until further notice by eu-LISA. The delays with respect to the ETIAS Central System are creating challenges for planning and resourcing the ETIAS project (and other EU Interoperability projects) at Europol. Despite this, the Agency continues to be committed to achieve the readiness of Europol for the entry into operation of ETIAS.

Regarding the implementation of the four main work streams, the work on ETIAS Watchlist implementation has progressed very well, as well as the work on the Interface Control Document for *QUEST for ETIAS*² that has been taken as far as possible given the lack of possibility to test the ETIAS automated process with eu-

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 *QUEST* is a system interface allowing automated queries against Europol data, while *QUEST for ETIAS* is a version of *QUEST* specifically dedicated to ETIAS automated queries.

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LISA. With regard to ETIAS manual process at Europol, the discussions with ETIAS stakeholders have led to the identification of additional questions on implementation options. These issues are being discussed with all stakeholders involved, including the European Commission (DG HOME), resulting in some delays for finalising the workflows between Europol, ETIAS National Units, Europol National Units and Frontex.

At the same time, Europol has established a new unit in Operations Directorate, O1-3 Integrated Operational Services, that is a dedicated to the operational implementation of the Agency's tasks stemming from the Interoperability Agenda, including assessing the hits referred to Europol in ETIAS manual process and providing reasoned opinion on the potential risks a Third Country National may pose when travelling to Europe.

To foster cooperation between the two communities, Europol will organise a joint meeting of Europol National Units and ETIAS National Units with participation of eu-LISA and Frontex on 25 October 2023 to discuss potential case studies in a so-called table-top exercise mode.

3. Work streams' progress

3.1. Implementation of ETIAS at Europol

The implementation of ETIAS at Europol is divided into the following work streams:

- 1) automated cross-checking of travel application data against Europol data;
- 2) in case of a hit against Europol data and data inserted in the ETIAS watchlist by Europol, manual processing of the hits and providing a reasoned opinion to the ETIAS National Unit of responsible Member State;
- 3) contributing to and managing of the ETIAS watchlist;
- 4) access to ETIAS data by Europol for law enforcement purposes.

The implementation of ETIAS at Europol is directly affected by the delays in the overall EU Interoperability agenda. As a result, Europol's focus has been on further refining the ETIAS related processes in close cooperation with Member States, ETIAS Central Unit at Frontex and the Commission.

In the context of ETIAS manual process at Europol, the **involvement of data owners** (Member States that contributed the data used by Europol to substantiate the reasoned opinion) has been assessed and discussed in detail from different perspectives: legal, operational impact, efficiency, impact on the technical development of the ETIAS Central System, etc. Member States were presented with different options on how to design the workflows. The discussions took place with both Europol National Units and ETIAS National Units, in close cooperation with the European Commission. These discussions are expected to be finalised and formalised in upcoming Smart Borders Committee meetings with an outcome of one common workflow to be implemented. With further progress on the workflows and close coordination between all stakeholders a number of additional legal questions have arisen (e.g. consultations with Ireland that is not participating in the ETIAS Regulation, consultation during the ETIAS manual process of the Member States and Schengen Associated Countries that contributed data to Europol, etc). At the same time, Europol considers the progress on business processes and internal tools supporting the drafting of Europol reasoned opinion to be well on track, pending the updates from the abovementioned discussions.

In order to discuss and validate the envisaged workflows and to foster close cooperation between the two communities, Europol will organise a joint meeting of Heads of Europol National Units and ETIAS National Units on 25 October 2023. In the meeting, a number of scenarios mimicking operational situations will be discussed in a table-top exercise mode with the aim to identify any gaps and additional requirements, and to create common understanding of each stakeholder's possibilities and limitations in these workflows.

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ETIAS Watchlist related workflows and Europol internal tool supporting the management of Europol entries in ETIAS Watchlist are making progress and are reaching a good level of stability allowing to start the formalisation of the process in a Management Board Decision as required by the amendments to the Europol Regulation (Regulation (EU) 2018/1241). To avoid overlaps and seek synergies between different data sets and to ensure the fulfilment of ETIAS objectives, Europol has identified a number of **selection criteria** for the data that could be entered in ETIAS Watchlist by Europol. Additionally, the ETIAS Watchlist entries are envisaged to be created based on **individual assessment** of each entry only, ensuring they fulfil the requirements for quality, completeness and operational value. The intended use of the ETIAS Watchlist by Europol and related principles have been discussed with both Europol and ETIAS communities, however the discussions will continue to ensure alignment between all stakeholders. Europol also participates in the Frontex working group on setting up the ETIAS Screening Board where setting the threshold (and related rules of procedure) for the impact assessment of potential ETIAS Watchlist entries for Member States and Europol is high on the agenda.

With regard to ETIAS automated process, the testing of QUEST for ETIAS, Europol's interface to process automated queries from the ETIAS Central System via the European Search Portal, has been further delayed due to ongoing re-baselining exercise by eu-LISA for the entire Interoperability Agenda at the European Union level. Europol will adjust its planning in line with the new Interoperability re-baseline Roadmap expected to be adopted by the Justice and Home Affairs Council in October 2023 and subsequent new version of the integrated planning. Meanwhile, Europol has introduced to Europol National Units the **matching rules** to be used when comparing travel application data against Europol data. Based on Member States feedback, Europol will plan activities with the aim of improving data quality and completeness in Europol Information System, the main source of Europol data in ETIAS automated process. During the 2nd Workshop on the ETIAS related procedures organised by Frontex and Germany in September 2023, Europol has introduced the matching rules to ETIAS Central Unit at Frontex to facilitate their work on verifying the hits. In cooperation with the Host State, the work is continuing towards establishing a second external data centre that, inter alia, would support ensuring availability and business continuity of Europol services in support of ETIAS and other information processing activities.

Regarding Europol access to ETIAS for law enforcement purposes, work in close cooperation with eu-LISA and Frontex (as per ETIAS Regulation, Europol cannot perform direct searches in ETIAS and needs to submit a reasoned access request that is processed by the ETIAS Central Unit) continues.

Europol is also working on several data protection impact assessments (DPIA, one per each work stream) but the related work has not yet been finalised. Europol hopes to launch the prior consultation processes (in accordance with Article 39 of Europol Regulation) in the near future. In parallel, Europol participates with great interest in Frontex led working group on ETIAS related data protection matters, supporting close cooperation in the context of DPIAs at national level and between the participating JHA agencies. Other topics, such as that of data subject access requests, require close coordination and cooperation between data protection functions. The first meeting of the working group took place on 18 October 2023.

While the Information Management Unit remains responsible for the overall implementation of the Interoperability agenda at Europol, there have been significant changes in the Operations Directorate. In order to make the best use of the new opportunities provided to the Agency by the Interoperability agenda and to carry out the relevant operational tasks (including the ETIAS function), but also to consolidate the relevant expertise, a new unit O1-3 Integrated Operational Services was established. The blueprint and implementation roadmap of the new unit was endorsed by the Europol Management Board in June 2023 and the unit started working on 1 September 2023. The Integrated Operational Services Unit includes the Europol SIRENE Office, the Travel Intelligence Team, the ETIAS and revised VIS Front and

Europol Unclassified - Basic Protection Level

Back Offices (to verify hits and provide the Europol reasoned opinion and the Biometrics Team. The new unit will provide efficient and effective crosscutting operational services to internal and external stakeholders in the areas of interoperability and travel intelligence in compliance with the various EU legal acts regulating this domain. While currently the unit has been staffed mainly by internal re-shuffling of staff, in the future it will also host the additional 5 Temporary Agents and 20 Contract Agents as a result of an agreement with Frontex on the temporary transfer of these posts to Europol until 2027 in support of ETIAS related tasks. The allocation of additional staff positions to Europol is pending the approval by the budgetary authority after which the recruitment will be launched.

Europe's ability to detect security risks posed by travellers wishing to come to Europe is often dependant on the relevant and up to date information received from the countries of origin of these travellers. Europol has in place a robust legal framework (operational agreements) with a number of **trusted Third Parties** that allows the exchange of personal data to contribute to realising safety. Europol has carried out a number of outreach activities with key Third Parties to raise their awareness of the future use of Europol data (including the data provided by these Third Parties) in the context of ETIAS and related legal and operational framework (e.g. with respect to the ETIAS Regulation not allowing the sharing of ETIAS related information with third countries, international organisations and private parties). This work will continue and will be extended.

As described in previous reports, Europol is heavily reliant on the technical documentation and testing artefacts provided by eu-LISA. The Entry/Exit System development has significantly improved over the reporting period, allowing the Justice and Home Affairs Council to endorse the new high-level planning for the whole Interoperability Roadmap in the meeting held on 19 October 2023. The more detailed integrated planning is expected in due course by eu-LISA, providing the opportunity also for Europol to re-set the new planning and milestones for the ETIAS development.

3.2. Support to other ETIAS stakeholders

Europol has continued to provide feedback and expertise to the European Commission for the drafting of the relevant implementing and delegated acts (now already in the context of implementing the changes provided by the ETIAS consequential amendments, adopted in July 2021) and the ETIAS Handbook.

Close cooperation with eu-LISA is ongoing with regard to the specification of ETIAS requirements/Interface Control Document and designing the ETIAS software. In order to ensure a high degree of coordination of the work of the two Agencies, Europol participates as an observer in the meetings of eu-LISA Management Board (MB) and EES-ETIAS Advisory Group, and eu-LISA participates in the meetings of the Europol Management Board Working Group on Information Management (WGIM). Regular technical meetings take place between eu-LISA and Europol to develop the automated processing of data between ETIAS and Europol.

ETIAS related workflows have been and will continue to be discussed with Europol stakeholders in the Heads of Europol National Unit and WGIM meetings. Discussions with Europol Third Parties on the use of their data for ETIAS purposes are planned to commence as well.

In close cooperation with ETIAS Central Unit, the training team at Frontex and ETIAS trainers from Member States, Europol continues to support with its expertise the training courses to ETIAS operators in ETIAS National Units. Europol also continued to participate actively in the regular meetings between ETIAS Central Unit and National Units organised by Frontex and in related informal workshops bringing together the European Commission, eu-LISA and interested Member States to clarify different practical aspects related to ETIAS implementation. Additionally, Europol has appointed the representative and alternates to ETIAS Screening Board, to be

Europol Unclassified – Basic Protection Level

coordinated by Frontex and Europol participates in the dedicated working group on setting up the Screening Board led by Frontex.

4. Governance

ETIAS related activities at Europol are part of the *EU Interoperability@Europol* Programme and the daily management of the programme is carried out by the Programme Manager with the support of various units across the organisation.

Reporting on the implementation of ETIAS is incorporated into a comprehensive reporting on the EU Interoperability and is presented regularly to Europol's senior management and governance bodies such as the Europol Management Board, Heads of Europol National Units (HENUs), and the MB Working Group on Information Management (WGIM). Externally, Europol provides the European Commission with the state of play of ETIAS implementation as part of the regular reporting on EU Interoperability in preparation for the Interoperability Forum. Additionally, monthly reporting to eu-LISA in the context of EES/ETIAS Advisory Group is taking place.

Europol continued to participate in all relevant fora, preparing for the implementation of ETIAS, namely the European Commission's Smart Borders Committee and ETIAS Expert Group and eu-LISA's EES/ETIAS Advisory Group meetings. These are complemented with meetings and discussions at technical level with the European Commission, eu-LISA and Frontex. Particularly valuable are the regular meetings between ETIAS Central Unit and ETIAS National Units organised by Frontex.

5. Budget execution

Regarding human resources for business oriented activities, the preparations for implementing ETIAS at Europol have grown in intensity and extent, and require the assignment of dedicated Europol staff. Across the organisation, different staff profiles have contributed to this work during the reporting period. Since the start date of the new Integrated Operational Services unit, the number of staff contributing to the implementation of ETIAS at Europol has increased to approximately 7.5 Full Time Equivalents (FTEs). This figure includes the average contribution of the Operations Directorate, Data Protection Function (DPF) as well as the Information Management Unit (IMU) which is responsible for the governance and implementation of the EU Interoperability Programme, including ETIAS.

With regard to Europol's ICT costs for implementing ETIAS, an overall average of 6 FTEs of ICT staff were involved in ETIAS implementation, delivering mainly requirements analysis, architecture design, preparations and development and test for automated cross-checking of ETIAS data against Europol data, the implementation of the ETIAS Watchlist management and developments related to Europol's internal processes. Additionally, Europol ICT has continued working with a team of 13 dedicated ICT contractors and committed EUR 1.7M in 2023 to that end for supporting the delivery of ETIAS.

With regard to staffing of the ETIAS function at Europol (in the new Integrated Operational Services unit), there has been no change. As described above, it has been provisionally agreed between Frontex and Europol, with the support of the European Commission, to temporarily allocate 5 Temporary Agent (TA) and 20 Contract Agent (CA) staff positions from Frontex to Europol as from 2024 till 2027. This, in case approved by budgetary authority, will allow to start staffing the ETIAS function, including carrying out the necessary training activities as from 2024. However, it has to be noted that this initial allocation might not be sufficient (the workload estimations show the need for up to 38 Full Time Equivalents - FTEs) and adjustments in the number of staff may consequently be needed, depending on the workload ETIAS will create. Additionally, cooperation with the European Commission, for subsequent decision by the European Parliament and the Council as budgetary

Europol Unclassified - Basic Protection Level

authority is needed, with a view to ensuring a long-term plan and budgeting of the ETIAS function at Europol.

6. Major Risks

Risk	Description	Management approach (& risk response)
Delays and/ or misalignments due to parallel projects	A significant amount of parallel projects for EU Interoperability create particular challenges for the planning and coordination of all the relevant activities. Tight timelines and limited amount of resources (staff working in parallel across the projects) make it challenging to comply with the timelines set by the involved stakeholders.	Good planning and stakeholders coordination are of high importance, however the residual risk remains high. Tight timelines and related aspects, which are often work prone to errors, do not allow for unexpected changes or adjustments.
Lack of resources for operational staff	Without additional resources for recruiting relevant operational staff to provide follow-up to hits against Europol data and Europol's input to ETIAS Watchlist, including providing Europol's reasoned opinion, Europol's capability to provide a response within 60 hours may be jeopardised. The Legislative Financial Statement (LFS) of the ETIAS Regulation did not foresee the resources for these tasks to be performed by Europol; The LFS for Interoperability and LFS for the amendments to the Europol Regulation did not foresee additional resources for ETIAS purposes.	The risk has been tackled with series of actions. In 2023, the internal reshuffling of staff and the implementation of ETIAS at Europol (as a pilot measure). For upcoming years, the issue was tackled through an agreement reached with Frontex and the temporary allocation of 5 TA and 5 staff to Europol as from 2024 until the approval by the budgetary authority). The allocation of relevant additional resources, budget, establishment and staffing plan for the next years needs to be carefully assessed.
Delays in business architecture due to external dependencies	The further design of the business processes could be subject to delays. The consultations with the European Commission and Europol's operational stakeholders can take longer due to the sensitive and complex nature of the ETIAS processes to be performed by Europol. Delays in the design of the business architecture can occur also due to the need for prior consultation with the EDPS (as foreseen under Article 39 of the Europol Regulation) which can trigger substantial changes, if so required by the EDPS.	The secondary legislation has now reached a stage where it has in part been adopted) which allows for a detailed description of the requirements for the implementation. However, several open legal discussions remain of this task. Close involvement and monitoring of the process is required in order to swiftly progress with the business processes. In addition, early consultation with the EDPS mitigates the risk of late changes in the business architecture.

Europol Unclassified – Basic Protection Level

Risk	Description	Management approach (& risk response)
Delays/changes in the technical implementation impair the operational entry into force and associated costs	Europol is dependent on the availability and quality of technical documentation and artefacts (different simulators, environments, etc.), but also on the architectural design choices by eu-LISA. The technical documentation supporting the implementation at Member States' and the EU Agencies' level might be impacted by changes that could affect the implementation duration and costs. Changes in the overall timeline pose a significant challenge for the Agency's planning and resources impact, especially due to numerous parallel projects under the EU Interoperability Programme. The ETIAS technical development at Europol is highly dependent on external contractors. Delays in recruitment or unavailability of relevant expert profiles but also the limited duration of contracts (max 2 years according to Dutch law) will thus impact the progress of Europol's delivery of ETIAS work.	The risk has materialised. Close monitoring of the risk and close cooperation with eu-LISA. Adopt an agile management and development approach (for more flexibility in Europol's implementation and development costs). Raise the awareness of the risks in relation to the technologies used and explore possible technical solution on Europol's end that can be mitigated by Europol. Timely recruitment (new contractors or existing staff) and efficient handover of know-how is key.
Misalignment in the technical implementation	The technical implementation is executed by several independent entities. Yet, there is a large degree of interdependency of what is developed and the different parts need to blend in seamlessly for the effective functioning of the system as a whole.	Regular meetings for technical consultation between the key partners, especially eu-LISA, the Commission and the two other Agencies (Europol and eu-LISA). Also staying closely involved in the requirements analysis by eu-LISA is important.
Scalability of technical infrastructure and processing performance	Core components of the cross-check mechanism by which ETIAS travel application data is matched against Europol data will have to meet the performance requirements defined for the system. It needs to be factored in that these same core components, such as QUEST, are envisaged also for automated cross-checks of visa applications under the VIS Recast. To meet business continuity and disaster recovery requirements, Europol HQ hosts two separate and independent data centres that are designed to ensure the business continuity of Europol's services.	Broad orientation on the future use of the system, calculation of the expected number of transactions, times and uptime requirements, so to choose a scalable solution with sufficient performance. Negotiations with the Host Country for an additional external data centre (for ensuring availability without any disruptions) at a location where the Europol HQ are ongoing. If the negotiations are successful, the work to establish the new data centre will start at the earliest.
Uncertainty about future workload	The number of visa-free countries has increased since the initial calculations of 2014 and also Brexit is expected to increase the number of ETIAS travel applications, which may further impact current resource estimates in terms of the operational workload.	Close monitoring and re-assessment of the impact of ETIAS applications.
Lack of support by data owners	The use of crime-related information from Member States, Third Parties for processing in the context of ETIAS is subject to their consent. It is important that they have a good understanding of the relevance and the benefit in order to broadly support ETIAS.	Proactive information and consultation with representatives of the competent authorities in Member States and Schengen Associated Countries. Representatives will be closely engaged in the development of the system.