![Council of the European Union logo]

Council of the European Union

Brussels, 16 November 2016
(OR. en)

14084/16

Interinstitutional File:
2016/0357 (COD)

FRONT 427
VISA 352
DAPIX 199
CODEC 1587
COMIX 726

NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council / Mixed Committee (EU-Iceland/Liechtenstein/Norway/Switerland)
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS)

1.   A new proposal: reasons and main elements

As anticipated in the Commission Communication of 6 April 2016 on Smart Borders, and following the prioritisation of the establishment of a European Travel Information and Authorisation System (ETIAS) in the Bratislava Roadmap agreed by the Heads of State and Government in October 2016, the Commission has adopted the above proposal on 16 November 2016.

The above proposal establishes a European Travel Information and Authorisation System (ETIAS) allowing to gather information on visa exempt third country nationals in advance of their arrival at the EU external borders (land, air, and sea). The ETIAS would only issue an authorisation to travel, but not a right of entry, as the decision to let a traveller enter the EU territory would still be taken by a border guard at the border-crossing point.

The ETIAS proposal has been designed as an important building-block of the EU visa liberalisation policy. It aims at determining whether the presence of visa exempt travellers in the territory of the Member States will not pose an irregular migration, security or public health risk.

The ETIAS general structure proposed by the Commission consists of the ETIAS Information System (including the ETIAS Central System), the ETIAS Central Unit (established within FRONTEX) and the ETIAS National Units (designated by each Member State).

The Commission proposal provides for the verification of various EU and international data, databases and systems (the SIS, the VIS, the EES, the EURODAC, the ECRIS, the Europol data, the Interpol TDAWN and the Interpol Stolen and Lost Travel Documents database). It is based on the assumption that the interoperability between the ETIAS Information System and those information systems consulted by ETIAS is established.

The Commission proposal grants the role of establishing specific risk indicators based on the above three types of risks to the ETIAS Central Unit. It provides for the creation of the ETIAS screening rules, an algorithm enabling the comparison between the data recorded in an application file and specific risk indicators. The Commission proposal further requires Europol to set up the ETIAS watchlist on the basis of the UN list of war criminals and of information on terrorist or other serious criminal offences provided by Member States or obtained trough international cooperation.

The ETIAS screening rules are to be registered in the ETIAS Central System. The proposal allows Member States' law enforcement authorities and Europol to consult the data stored in the ETIAS Central System for the purposes of prevention, detection and investigation of terrorist offences or other serious criminal offences.

The decision-making process on the ETIAS applications proposed by the Commission is threefold. It provides for an automated application processing by the ETIAS Central System. Where appropriate, a manual processing by the ETIAS Central Unit would be required when the ETIAS Central System cannot certify that the data recorded in the application file correspond to the data triggering a hit during the automated processing. Finally, the ETIAS National Unit(s) would be required to process the ETIAS application manually if there is a hit against any consulted database or any specific risk indicator. It is the Member State of intended first entry, as declared in the application form, which would be responsible for taking a decision in such case.

The travel authorisation would be valid for a period of five years and for multiple travels. An application fee of 5€ would apply to all applicants above the age of 12.

The text of the proposal will be presented by the Commission at the Frontiers Working Party meeting on 29 November.

2. Questions for debate

For the purpose of the policy debate, the Presidency suggests the following questions:

1. In light of the above, do Ministers consider that the European Travel Information and Authorisation System proposed by the Commission is, in principle, an appropriate tool for closing the information gap on visa exempt visitors and would therefore reinforce the EU's security and border management policy?

2. Which elements of the future system do Ministers consider to be crucial for the usefulness of that system?

_____