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Report to the European Parliament on the implementation of ETIAS
April 2019

1. Introduction

The establishment of the European Travel Information and Authorisation System (ETIAS) calls for the active involvement of Europol. The Agency has been given several roles in the functioning of this instrument and, therefore, Europol is an indispensable partner in setting up the technical and operational capabilities.

The ETIAS Regulation contains explicit reporting obligations during the implementation phase to enable the European Parliament to monitor the progress and to take note of any risks or unforeseen challenges that are identified or encountered. In Article 92.2 of said Regulation[1] such obligation is specified for eu-LISA, for the European Border and Coast Guard Agency FRONTEX and for Europol.

This document serves as the first edition of Europol's reporting to the European Parliament on the implementation of ETIAS. It is sent in parallel to the European Commission and to the Council of the European Union.

2. Current state of preparations

Since the adoption of the ETIAS Regulation in September 2018, Europol has actively participated in the implementation meetings organised by the European Commission and attended related meetings of the Council as well as the Advisory Group meetings organised by eu-LISA.

To date, these meetings have served mainly to discuss the intended functioning of the ETIAS processes on the basis of the legal text. This has helped to get a better and – importantly – common understanding among the Commission, the Member States and the Agencies on how the instrument will work in practice.

Already during the negotiating process in 2017 and 2018 Europol had internally conducted a business analysis by elaborating the operational processes in which Europol is expected to be involved. These processes are currently being updated in accordance with the actual legal text that was endorsed, and in line with the on-going discussions in the various groups and fora where the ETIAS implementation is being coordinated.

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[1] Art. 92.2 of the ETIAS Regulation: [...] By 10 April 2019 and every six months thereafter during the development phase of the ETIAS Information System, Europol and the European Border and Coast Guard Agency shall submit a report to the European Parliament and to the Council on the state of preparation for the implementation of this Regulation including 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 in accordance with Article 85. [...]

On the basis of the initial assumption that pre-date the adopted legal instrument, Europol also made estimations of the number of operational staff that would be required once ETIAS has been implemented. Based on the figures used at the time by the Commission a total ranging between 36 and 48 FTEs was calculated for delivering the operational work to fulfil Europol's tasks in the context of ETIAS. This estimate will be reviewed on the basis of the revisited processes and the adopted text of the ETIAS Regulation. Also the possible effects of BREXIT will be taken into consideration as part of that review.

The implementation of ETIAS fits in several respects within the wider dimension of the EU Interoperability plans, for which also a collective approach has been taken to ensure well-concerted involvement of the Member States, the EU JHA Agencies and the Commission.

In terms of organisation, Europol is part of the coordination mechanism that the European Commission has created for the recurrent communication, monitoring and alignment of the progress during the forthcoming years. In this context, ETIAS will be addressed as part of the overall interoperability framework.

Technically, the implementation of ETIAS also connects with the broader interoperability dimension. This applies for instance to the use of the European search portal for the cross-checks of travel applications against Europol data, but also vice versa, for querying ETIAS by Europol in support of Member States' criminal investigations.

For the realisation of wider the Interoperability dimension from the side of Europol an internal structure has been established involving all three Directorates. The preparations for the ETIAS implementation link into that structure, both from an operational and a technical perspective. The development will be executed in accordance with the general, collective plan and in function of the allocation of the required dedicated resources for the implementation on the side of Europol.

Concretely, Europol has already taken a first step towards the objective of making Europol data available for the European Search Portal and for the future cross-checking of ETIAS travel applications. At present, a first Member State is connected to QUEST BPL Test Environment, which serves as the interface for conducting automated queries against Europol data.

3. Risks and uncertainties

In view of the current state of developments where at EU-level the detailed discussions are still taking place for the drafting of delegated acts and implementing decisions and where the concrete system requirements have not been determined, the translation into a technical design and planning for Europol has not yet taken place. As a consequence, also the calculation of the required human and financial resources for the development and implementation could not yet be made.

For the latter, also the relationship with the overall interoperability dimension is important. For reporting in this context to the European Parliament, a differentiation will be required between the costs that are specific for ETIAS, versus those that fall under the general Interoperability framework. Also that distinction is yet to be made and awaiting a more detailed design of how the two development streams interrelate.

The discussions on ETIAS so far have brought to light one concrete Europol-specific uncertainty with possible operational and technical consequences. This concerns the interaction between Europol and the ETIAS National Units when Europol is consulted in accordance with Article 29 of the ETIAS Regulation. The question this triggers is about the routing of the communication with the Member State concerned. Paragraph 7 of that Article stipulates that ETIAS-specific software is to be used, whereas paragraph 1 of that Article refers to the Europol Regulation to be respected. The Europol Regulation requires national policy to be respected in terms of the routing and the possible

involvement of the Europol National Unit. Possibly, a clever form of interoperability between the ETIAS software and SIENA could ensure that both legal requirements can be met. Confidentiality requirements deserve due attention in the development of that solution.

4. Next steps

The European Parliament is invited to take note of the information presented in this report and to convey any questions or comments it may have to Europol. Europol will commit to responding as soon and as accurately as possible.

Europol will continue its efforts to implement ETIAS in close consultation with the European Commission, the Member States and the other two EU Agencies involved, and in coordination with the overall Interoperability implementation framework, respecting its timelines and objectives in the best possible manner.

The next reporting on ETIAS implementation to the European Parliament is scheduled for October 2019.