Council of the European Union

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Entry into operation of Entry/Exit System (EES)
	- Revised compilation of comments

Delegations will find attached a revised compilation [1] of replies from Member States on the entry into operation of Entry/Exit System (EES) on the basis of the following questions:

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

   a. have you implemented/are you going to implement any adaptations of infrastructure?

   b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

   c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

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[1] Comments from Cyprus, France and Portugal have been included

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

WRITTEN COMMENTS SUBMITTED BY THE MEMBER STATES

Entry into operation of Entry/Exit System (EES)

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AUSTRIA

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES?

Yes. The additional tasks resulting from the EES regulation will lead to a sharp increase in process times. Currently, we expect process times to double compared to the current situation. This will also affect the border waiting times at the border crossing points (in Austria, the six international airports). Furthermore, border control will become more complicated since in addition to the distinction between visa-exempt and visa-required persons, we will also have to differentiate between EES-required and EES-exempt TCN, as well as between registered and unregistered TCN in EES. The decision of the EC to stick to the requirement of the biometrical verification at the border control booth after using the SSK for the first entry additionally prolongs the process significantly and should be reconsidered by the EC, as the SSK can also detect fraud attempts successfully.

Based on your analysis:
*   a.   have you implemented/are you going to implement any adaptations of infrastructure?*

On the one hand, the border crossing points will be adapted in such a way that the legally foreseen activities can be carried out accordingly. The booths are currently being upgraded with the necessary technical infrastructure (fingerprint scanners, camera systems, new software, passport readers, etc.). Furthermore, the use of SSK is planned in order to facilitate the work of the border guards and reduce waiting times at airports where the pressure of passenger flows is particularly high (VIE and SZG). On the other hand, airport operators are trying to provide more queuing areas and space for SSK. This is primarily a concern for airport operators due to the impact of the COVID-19 pandemic. Therefore, there is also an increase in the number of border control booths at some airports, which results in a higher demand for staff. Most of the reconstruction work at the airports will be completed with the entry into operation. However, some of it will not be finalized until the system is operational.

*   b.   will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?*

Yes, for certain border crossing points automation of the border crossing points will be completed. In the first step, SSKs will be deployed at two airports (VIE, SZG) in the course of 2023, which will perform some steps of the border control process in advance. In a further expansion step, the SSK will then be linked to the existing e-gates and will enable a fully automated border crossing. The exact date for the planned connection of the e-gates to the SSK has not yet been determined, but it will surely be completed only after the entry into operation (May 2023) due to current problems in the industry.

c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

Whether the progressive entry proposed by the EC will be applied or not is not yet finally decided and depends on further developments of the concept. Currently, the proposal still has some gaps and could result in more confusion for border guards and travelers. Also, there are doubts that the concept will rather result in additional complications instead of the envisaged facilitation due to the new workload in the last months before the planned entry into operation. We hope that the European Commission will soon decide on a practicable solution that can be realistically implemented more easily within the next few months, and we hope that the Member States will have the opportunity to discuss alternative approaches and solutions to optimize the concept in the SBC meetings (preferably with live attendance).

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

The border control processes have been adapted in accordance with the new legal basis and are supported by our new software. Theoretical and legal trainings for border guards have already been carried out. However, due to the high demand for training and the previous uncertainty related to the definitive date of entry into operation, it is difficult to establish the necessary schedules for the system trainings. The training should not take place too early before the system is actually put into operation, in order to avoid large time gaps between the learning stage and applying the knowledge. Some trainings that have already been carried out will in all likelihood have to be repeated in order to consolidate the knowledge once again for the entry into operation.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

With regard to the implementation of the EES in the European context, Austria is on schedule. Due to the current state of the global economy, any risks relating to supply chains and the availability of trained IT personnel must be included as risks.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

No, the deployment of Standing Corps is not planned at the moment.

BELGIUM

1. *Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:*

    a. *have you implemented/are you going to implement any adaptations of infrastructure?*

Yes. We have analysed the passenger flows in the main BCP's (based on simulations made with the support of Frontex) and we would like to implement several adaptations in different BCP's. With some operators there is a very good cooperation towards the best solution for all stakeholders. However, we have to conclude some operators are less willing to cooperate.

    b. *will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?*

Yes. As the number of travellers continues to rise, as there is a **constant lack of candidates to bring the number of border guards to the preconceived number,** as this leads to an ever ongoing search for efficiency and finally that the evolution of technical possibilities and IT offer new opportunities, a **maximum use automation is a must**. As possibilities to automate will evolve fast in the future, we will try to take advantage of new opportunities as they are mature enough to integrate in a stable process.

    c. *do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?*

We need some more study of the different implications on our systems and procedures. At the moment we have our doubts regarding a progressive entry as an approach that offers substantial advantages, but rather stretches the problems, complicates processes and asks for development of IT on the national level for which nor the time, nor the staffing, nor the budgets to recruit this extra staff are present.

2. *Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.*

Yes. We have a staggered training system in place, specific for the border guards, also with use of train the trainer.

3. *In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?*

All r**equired material has been bought as to equip alle BCP'**s with the necessary tools to perform border controls according to EES-standards. Tenders for supplementary equipment (extra e-gates, SSS,..) are running and will normally be finalized before the end of 2022.
ICT solutions can in all probability not be tested and therefore terminated within the planned timeline in part because of the timeline that was squeezed by EUlisa. Apparently, here we seems to be in line with many or even all member states.

4. *In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?*

Cooperation with the agency has always been very constructive, for which thanks. The agency's services were also used in the EES preparation. Should there be a need for more support in the future, based on a risk analysis of course, we will gladly make use of it.

CROATIA

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

a. have you implemented/are you going to implement any adaptations of infrastructure?

Over the past years, we have tested, on multiple occasions, (stationary and mobile) equipment procured for border crossing points from several suppliers and it has been established that the waiting time for border checks will certainly be significantly longer. There are currently no plans to adapt the infrastructure but some border crossing points are expected to be expanded in the upcoming period, where this is possible.

b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

We have not foreseen complete automation (automated border control system) at any type of borders. However, we have foreseen the implementation of self-service systems on some major air border crossing points (EES kiosks - airports in Zagreb, Rijeka, Zadar, Pula, Split and Dubrovnik), which means the implementation of the system that will be used for pre-entry of data in the EES. This solution would relate to pre-registration of passengers before border checks.

c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

Croatia would like to thank the Commission for the proposed gradual approach since we believe that this will contribute to potential flexibility during the first months of application of EES.

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

Business processes are being adjusted to the software application which is currently being developed and which will represent a certain upgrade of the National Border Management Information System (NBMIS) for the purposes of application of the Entry/Exit System (EES) and training.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

We have initiated the procedure for the procurement of the necessary equipment with delivery deadlines before the start of the implementation of EES so that all the necessary testing could be performed before the start of its implementation. Moreover, a training system for multipliers has been launched on the national level. Multipliers will then train border control officers to use the new system (EES), and we are currently cooperating with Frontex with regard to this training.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

We are considering asking Frontex standing corps to be deployed to those border crossing points where border checks of third-country nationals will be carried out in relation to EES. However, the final decision in this regard will be made after testing the system.

CYPRUS

Cyprus authorities is in the process of consultation with respect to the implementation of EES, including the respective technical arrangements.

Concerning question 3, it is noted that the date of entry of operation of the system in Cyprus is regulated by article 66, paragraph 2(b) of the EES regulation, therefore Cyprus is not expected to enter the national EES into operation in May 2023.

Concerning question 4, once the EES will become operable in Cyprus, Cy authorities will consider asking FRONTEX to deploy the standing ports to support us with the border control process.

ESTONIA

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

a. have you implemented/are you going to implement any adaptations of infrastructure?

We have analysed the possible impact. We do not see the need for considerable adaptations in BCP infrastructure. We have identified the need for small adjustments in places or areas at BCPs where some (roof) Windows need to be covered and lightning improved for facial image capturing.

b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

In the long run we plan to use the existing ABC gates also for the border crossing of EES subjects by supplementing ABC gates with fingerprint scanners at air and land borders.

c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

We are still in the process of analyzing the possible impact of the progressive entry on our IT-systems and its additional value. For example, do we need additional IT-developments for that and if so, whether we have the necessary resources for that.

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

We are developing our information systems and procuring equipment. Trainings are planned just before EIO.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

At the moment we can say that when it comes to FP-scanners and mobile devices we are 100% on track. We are still in progress with stationary devices for capturing facial image, which result is not depending on us. But in case the supplier fails to supply promised devices in time we are ready to use alternatives (mobile devices).

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

At the moment we are not planning such activities.

FINLAND

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

a. have you implemented/are you going to implement any adaptations of infrastructure?

The necessary actions to be taken on infrastructure and processes have been assessed for each border crossing point.
- − The measures to be taken relate to ensuring adequate border control capacity and that the facilities are suitable for the new technology. For example, at land borders, lane traffic area booths have been modified with an extension (with cameras and finger print readers) suitable for passenger use in order to minimize the influence of environmental factors that can have an effect on the functionality of the used technology.

b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

FI has made a procurement decision for a complete solution, comprising self-service kiosks, eGates and supporting components of manual border checks. Prior to the introduction of EES, self-service solutions will be introduced in air traffic border checks at Helsinki Airport (HEL) in order to automate and expedite border crossing.

The procurement and deployment are divided in the following steps:
- Installation of e-Gates (50) during 2019-2020,
- Installation of self-service kiosks (60) and manual control devices during 2021-2022,
- Definition and deployment of new workflows during 2022-2023.

Installation of the e-Gates will comprise deployment of existing workflows for EU- and TCN citizens in the existing infrastructure. At the final stage all the devices and manual booths are required to function as one integrated concept, including 1:1 and 1:n facial verification/identification.

In addition, the suitability of using the automated border control concept for other types of borders will be assessed in the coming years.

c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

FI´s EES preparations are in good phase and we believe that we are ready in May 2023. However, we are prepared most likely to use the progressive entry in the situation where unforeseeable events lead to traffic of such intensity that the waiting time at the border crossing point becomes excessive. FI considers that the progressive approach strongly adapts to the situation defined in Article 9 of the Schengen Border Code, when border checks can be relaxed. However, the provision applicable in the future does not enable the application of the proposed procedure because even in the event that checks are relaxed, the border guard shall enter the data in the EES, in accordance with Article 6a of the Regulation (EU) 2017/2225.

The application of the progressive approach is intended to apply only for a certain period (for a period of nine months) after which a 100% coverage need to be achieved. However, the occurrence of unforeseen events is not limited only to the period in question. It can be seen as a special challenge that at the time of the introduction of the EES system and during the transition period of the progressive approach, cross-border traffic has not necessarily yet fully recovered due to the pandemic and the current effects caused by the war in Ukraine.

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

New business processes have been evaluated and fixed to meet the needs of EES. Automated border checks are used as part of border checks to the extent it is possible in order to test the functionality of the entire process (incl. control of passenger flows) before EES entry into operations. This functionality and integration are implemented at Helsinki Airport. The aim is to make the new systems an integral part of the border checks before EES entry into operation, but it should be noted that passenger data cannot be exported to any test environment of the EES, i.e. the system as a whole cannot be fully implemented before EES entry into operations.

The introduction of the EES has also been prioritized in the national training program for border checks (incl. refresher training).

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

The required ICT solutions and required equipment will be installed on time. We are worried about successful end-to-end testing, because the delays in central system are delaying the start of our tests so we are not able to notice and correct the possible errors on time.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

We are considering this possibility for the entry phase. We are prepared to significant increase of workload at the beginning, because the process will change so much from the passenger´s point of view. In addition to the border checks, we will need support to allocate the traffic flows as well as guiding the passengers through the new process. We will discuss the amount and time frame of the needed support directly with the Agency. However, based on the recent Annual Bilateral Talks with Frontex, we are aware that the Agency might not have enough resources to support the Member States.

FRANCE

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

1. Avez-vous analysé la façon dont le flux de passagers aux PPF sera affecté par l'introduction d'EES ? Sur la base de cette analyse :

Oui. Les autorités françaises ont en effet mené de très nombreuses études et analyses, en coopération avec les gestionnaires d'infrastructures, pour cartographier les flux de passagers dans chaque PPF (selon leurs spécificités – frontières aériennes ou maritimes), et évaluer l'impact d'EES sur les temps d'attente.

La France s'est préparée très activement et sera dans les temps pour une mise en œuvre d'EES conforme au règlement : l'adaptation des parcours des voyageurs en condition EES a été étudiée en détail avec les gestionnaires, les systèmes de pré enregistrement commandés et livrés pour la plupart, le système d'information national de contrôle aux frontières est dans les dernières semaines d'adaptation, et la formation des garde-frontières est en cours. Le fait d'être prêts conformément au règlement ne signifie pas pour autant que la perspective de l'impact d'EES sur les temps d'attente à la frontière n'inquiète pas les gestionnaires d'infrastructures.

Par ailleurs, les programmes nationaux d'allègement des formalités ne nous semblent pas présenter d'apports substantiels en ce qui concerne l'entrée en service EES. En effet, les voyageurs concernés devront posséder un dossier EES complet avant de rejoindre un tel programme.

Nous sommes cependant prêts à entrer sereinement dans la phase des tests en conditions réelles, indispensables, pour une réforme de cette ampleur, au bon fonctionnement de l'ensemble lors de l'entrée en service.

Toutefois, deux éléments viennent fragiliser ce calendrier. En premier lieu, il est nécessaire que la Commission et eu-LISA puissent garantir aux Etats membres un environnement de test fiable et stable. En second lieu et surtout, les propositions avancées par la Commission sur une entrée en service dite « progressive » d'EES viennent percuter toute notre préparation, et sont porteuses de forts risques car elles nécessiteraient de nouveaux développements techniques dans un laps de temps court, que nous ne pourrions donc pas tester.

a.   have you implemented/are you going to implement any adaptations of infrastructure?

a.   avez-vous mis en œuvre/ mettrez-vous en œuvre des adaptations d'infrastructures ?

Oui. Les analyses que nous avons menées nous ont permis d'évaluer les besoins d'adaptation de nos points de passage frontaliers (PPF), en particulier en termes de kiosques, mais aussi de tablettes, outils de fluidification. L'Etat français a ainsi sélectionné un nombre de PPF jugés les plus pertinents, et proposé une répartition des dispositifs.
Par ailleurs, les parcours voyageurs mis en place sont adaptés à la spécificité de chaque PPF (les aéroports étant par exemple caractérisés par des flux piétons, alors que les ports ont principalement des flux véhiculés) mais aussi au déploiement d'outils de fluidification. En particulier, la mise en œuvre de tablettes dans les ports nécessite l'adaptation des infrastructures, en coopération avec les gestionnaires privés. La création de « stands EES », protégés des intempéries et des changements de luminosité, permettra d'accueillir autant de places de stationnement temporaire que de besoin en fonction du dimensionnement défini avec les services de l'Etat.

b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

b. ferez-vous usage la possibilité d'automatisation ? Si oui, quelles sont les solutions vous envisagez et à quel vecteur de frontière (aérien, maritime, terrestre) ?

Oui. Comme indiqué, les autorités françaises ont développé des parcours avec des technologies adaptées à chaque infrastructure.

Pour les frontières aériennes (aéroports) : nous mettrons en place des systèmes dits « en libre-service » (kiosques), supervisés à distance via des moyens vidéo par un garde-frontière. Ces systèmes seront utilisés par les ressortissants de pays tiers (RPT) pour pré-enregistrer leurs données biométriques et alphanumériques, mais aussi pour remplir un questionnaire qui aidera les garde-frontières à vérifier le respect des conditions d'entrée et de séjour. Les RPT seront ensuite dirigés vers l'aubette pour que le garde-frontière vérifie les réponses au questionnaire et les données collectées, y compris les données biométriques pour les primo-entrées (puisqu'il est obligatoire qu'un garde-frontière vérifie la biométrie) même si les autorités françaises plaident pour que les modalités de mise en œuvre de cette exigence, non-explicitées dans le Code frontières Schengen, soient assouplies au profit d'une vérification visuelle de l'image faciale par le garde-frontière dans un non-papier qu'elles ont transmis le 20 septembre 2022. Nous envisageons également le maintien de l'éligibilité des RPT de certaines nationalités à utiliser des sas automatisés (sas Parafe) pour les entrées subséquentes et les sorties, après passage par un kiosque de pré-enregistrement.

Pour les frontières terrestres et maritimes, caractérisées majoritairement par des flux véhiculés, nous mettrons en place des solutions d'enrôlement « mobiles » (tablettes) pour enregistrer les données biographiques et biométriques des voyageurs éligibles à EES directement à bord des véhicules. Cet enregistrement sera effectué via des tablettes manipulés par des agents, sous supervision rapprochée des garde-frontières qui valideront les données biométriques en direct. Les RPT seront ensuite dirigés vers l'aubette. A noter que les voyageurs qui descendront des bus pourront utiliser des kiosques, de la même manière que les passagers piétons des PPF aériens.

c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

c. envisagez-vous d'avoir recours à l'entrée en service progressive d'EES ? Si oui, à quel vecteur de frontière estimez-vous qu'il serait nécessaire de la mettre en œuvre ?

Non, le recours à l'entrée en service progressive ne nous permettrait pas d'être prêts opérationnellement au regard des impacts que celle-ci induit sur le planning national. Cette option ne nous parait pas satisfaisante pour plusieurs raisons :

Tout d'abord, cela nous obligerait à modifier nos applications nationales avant une période au cours de laquelle nos systèmes doivent être stables et finalisés en vue des tests. Afin d'être en mesure de former tous nos garde-frontières et de tester de bout en bout notre système, nous devons bénéficier d'un environnement stable au moins six mois avant l'entrée en service. Or, les premiers tests sont prévus très prochainement, au mois de novembre, en collaboration avec les gestionnaires privés des PPF sélectionnés.

La modification de notre système national, s'il fallait répondre à la mise en service progressive d'EES, serait absolument impérative. En effet, sans adaptation, les temps de contrôle seraient grandement allongés pour deux raisons : d'une part, chaque garde-frontière devrait manuellement justifier l'impossibilité de prendre chaque biométrie pour chaque RPT bénéficiant de l'entrée progressive ; d'autre part, il serait nécessaire de réaliser une recherche étendue dans le système EES (voire VIS) à partir des données personnelles, ainsi que la vérification de chaque dossier pour s'assurer que nous ne créons pas de doublon d'identité numérique (risque en cas d'homonymies). D'autres adaptations seraient par ailleurs nécessaires pour modifier notre système, notamment pour nous permettre de respecter le seuil minimal de dossiers complets qui devront être crées dans chaque PPF. Or, nous

ne pensons qu'il ne nous reste pas suffisamment de temps pour prévoir ces adaptations de manière satisfaisante avant mai 2023.

Ensuite, l'entrée progressive serait contre-productive et peu incitative en réalité pour parvenir à l'objectif d'une entrée en service totale. Les gestionnaires d'infrastructures seront sans aucun doute prompts à faire pression auprès des autorités pour activer l'entrée progressive dès que les files d'attente s'allongeront, voire dès qu'ils anticiperont que celles-ci pourraient s'allonger rapidement. La question de la concurrence entre les gestionnaires de vecteurs de transport se pose donc très sérieusement.

De plus, d'autres PPF (en particulier les PPF de sortie) devront pallier les manques des autres, en complétant des dossiers qu'ils n'auraient pas dû compléter en phase nominale. Le risque pour les PPF de sortie n'avait pas particulièrement été identifié dans nos études, sauf pour les toutes premières semaines. Or, le scénario proposé étendrait sur l'ensemble de la période d'entrée progressive le risque à la sortie. De fait, nous prévoyons que les PPF « bien préparés » subiront les conséquences de l'impréparation d'autres PPF, et le risque de report de charge entre PPF d'abord, et entre Etats membres ensuite, nous paraît avéré. Finalement, même les PPF bien préparés seront forcés de mettre en place la progressivité, et quasiment aucun dossier ne sera complété conformément au règlement.

D'autre part, les applications informatiques ne peuvent pas distinguer les voyageurs en transit des autres voyageurs, et il nous sera impossible d'établir des statistiques pour chaque catégorie, comme semble l'envisager la Commission dans ses explications sur la progressivité. De la même façon, l'analyse de risque que la Commission fait peser sur les Etats membres lors de la création de dossiers incomplets nous apparaît entrer en contradiction avec la notion de « circonstances exceptionnelles » qui sont a priori difficiles à anticiper. Dès lors, se priver de la biométrie présentera systématiquement un risque pour la sécurité de l'espace Schengen, notamment dans la perspective de l'interopérabilité des systèmes d'information qui reposera en grande partie sur la comparaison entre les différentes identités biométriques contenues dans les systèmes européens ; c'est la raison pour laquelle le règlement EES ne prévoit pas cette option.

En outre, notre cadre juridique ayant été adapté, avec un examen du dossier par l'autorité nationale de protection des données, il conviendrait d'explorer ultérieurement les conséquences juridiques des changements majeurs dans le traitement de ces données qui pourraient nous mettre en infraction au regard du nouveau cadre juridique.

Enfin, la base légale nous paraît fragile, raison pour laquelle la France a demandé, lors du groupe frontière, l'avis du service juridique du Conseil.

Pour toutes ces raisons, la France encourage la Commission, la présidence et les autres Etats membres à poursuivre la recherche de souplesse et de marges de manœuvre permettant d'atténuer l'impact d'EES lors des premiers mois de l'entrée en service.

A cet égard :

1) Nous prenons acte de la position de la Commission nous ayant indiqué devoir procéder à des consultations supplémentaires avec son service juridique concernant notre non papier et notre demande d'assouplir la lecture qui est faite de l'article 8bis 4 b) ii) du Code frontières Schengen, en matière de vérification par le garde-frontière des biométries collectées.

2) Nous plaidons pour la fin de l'obligation de créer un dossier EES pour les voyageurs étant entrés sur l'espace Schengen avant le début de l'entrée en service de l'EES. Ces ressortissants de pays tiers (RPT) n'auraient un dossier créé que lorsqu'ils reviendraient plus tard dans l'espace Schengen. Cela permettrait d'alléger considérablement la pression sur les PPF pendant les trois premiers mois suivant l'entrée en service.

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

2. Avez-vous ajusté le processus de gestion, ainsi que votre méthode interne, afin d'être en mesure d'opérer des tests adéquats et de former les garde-frontières dans le cadre des programmes nationaux pour les activités de formation avant l'entrée en service ? Si ce n'est pas le cas, merci de bien vouloir indiquer les principales causes.

Oui. La France sera prête pour l'entrée en service d'EES, sur le plan des parcours voyageurs, de la formation, et de systèmes nationaux. Il n'en demeure pas moins que la fluidité demeure une préoccupation, et que les échanges se poursuivent avec chaque gestionnaire de PPF pour progresser sur ce point.

Toutefois, les modifications qui seraient induites par l'entrée progressive mettent en risque notre préparation nationale sur tous ces aspects.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

3. Conformément au calendrier révisé d'EES (entrée en service en mai 2023), serez-vous en mesure d'installer toutes les solutions TIC et les équipements requis à vos PPF (aériens, terrestres, maritimes) afin d'effectuer en temps voulu les tests de bout en bout, la formation des garde-frontières dans le cadre des programmes nationaux pour les activités de formation en lien avec EES et l'entrée en service elle-même ?

Voir réponse à la question n° 2 : nous sommes prêts pour les tests de bout en bout que nous souhaiterions débuter dès la fin d'année 2022 sur certains sites (vecteurs maritime et aérien), sous réserve d'un environnement EES stable et fonctionnel, mais la proposition de progressivité présente un risque

Les équipements de pré enregistrements seront tous disponibles plusieurs mois avant l'entrée en service, la plupart ont déjà été livrés. L'installation effective se fera en lien avec le gestionnaire de chaque infrastructure.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

4. Afin de vous aider à gérer la pression initiale à vos PPF liée à l'entrée en service d'EES, envisagez-vous de demander à Frontex le déploiement du corps permanent afin de vous assister dans la mise en œuvre des processus de contrôle aux frontières ?

Nous avons fait appel à Frontex dans les aéroports en 2023 à l'occasion de la coupe du monde de Rugby et comptons le faire en vue des Jeux olympiques de 2024, dans un cadre plus général de contrôle aux frontières qu'uniquement d'EES.

Pour autant, nous voyons deux limites au recours à l'aide de Frontex pour l'entrée en service d'EES :

1) La Commission nous a indiqué que seuls les agents de catégorie 1 avaient reçu une formation EES. Il pourrait être utile que les agents de catégorie 2 et 3 soient également formés à l'EES afin que l'ensemble des agents des catégories du corps permanent bénéficient de la formation adéquate.

2) Nous considérons le recours aux agents de Frontex pour nous aider dans des tâches liées à la mise en service de l'EES, telles que la supervision, et nous espérons que tous les besoins exprimés par les Etats membres dans cette période charnière pourront être comblés. La constitution du corps permanent dans les années à venir est donc essentielle pour permettre à l'Agence de répondre aux différentes sollicitations des Etats membres.

GERMANY

Please find the German comments:

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

> *a. have you implemented/are you going to implement any adaptations of infrastructure?*

Answer:

Passenger flows at the BCPs were analysed in close cooperation with the aviation industry. It is estimated that control times for passengers will increase significantly by the introduction of EES.

At various German airports adaptions of the infrastructure (e.g. increasing the number of border check positions) were already made or are in planning. At some airports additional measures for increasing the capacities for border checks (especially during peak times) are still necessary.

> *b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?*

Answer:

Germany will make use of the possibilty of automation primarily at the air borders. Selfservice-systems to precapture the biometric data are currently developed and will be installed in front of the border check positions at the airports (starting in May 2023 for the entry control, with option to use them also for the exit control).

> *c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?*

Answer:

In this regard, we are still in the process of national coordination.

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

Answer:

The process of adjusting the relevant business processes has already started and is ongoing. Various adjustments are already completed. Rehearsing those new processes and training of border guards (according to the current status) will be completed before the EiO of EES. However, practical end-to-end training is currently not possible due to the lack of availability of the EU Playground. Because of this reason and because of expected faults that will be usually found in the testing process, a stable working EES-system seems to be unlikely in May 2023.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

Answer:

The installation of the ICT solutions and required equipment at German BCPs has already started and will be finished in time before the EiO of EES. Training of border guards has already started and will also be concluded timely, but is depending on the availability of a training environment.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

Answer:

It is considered to ask Frontex for deploying members of the Standing Corps at the largest German airports related to the EiO of EES.

ITALY

Question 1

a) Yes we carried out a context analysis of all the main Italian BCPs (in particular the attention was focused on the airports due to the significant passenger flows crossing the external border), which is monitored for each airport based on the registered traffic, currently growing rapidly.

We are implementing the infrastructures - in some cases already completed, in others on track or in planning - and the border equipment (also with progressive staff assignments, obviously where deemed most appropriate based on the volumes of air traffic) to try to adapt each BCP to EES needs.

b) Yes, we are implementing the technological equipment according to the needs of each BCP, especially at the air borders. In particular:

> We have almost completed the supply of the new traditional workstations at all BCPs (1,100 new SIF stations (national border control system) were distributed in total, of which 543 in 1st line, 202 in 2nd line and 355 mobile, all equipped with "photo- live "and 4-finger fingerprint reader), in order to allow the fulfillment of the further obligations required by Reg. 2226/2017 (acquisition of biometrics and recording of data in EES);

> Self service kiosk (SSK). in collaboration with the airport management companies, we are installing an adequate number of kiosks for each airport (in total about 600 are planned, at least in the first phase of the EES), especially in the HUBs (Fiumicino, Malpensa, Venice) and in those affected by significant volumes of extra-Schengen traffic (Bergamo, Naples, Bologna, Turin, etc.);

> We are increasing the equipment of automated gates in all the main airports in the country (currently over 200 ABC-gates are installed, whose control processes are managed by border guards) in order to save human resources and be able to dedicate traditional controls (manual) to high risk TCNs.

c) Yes, where necessary we plan to use the progressive approach for the entry into operation of the EES. In this regard, we would like to apply this typology both to air borders and sea borders.

The former are impacted by EES in a much more significant way than in the maritime sector (from our estimation, the travelers to be subjected to EES are averagely a significant quota of the entire non-Schengen air traffic compared to the lower number of EES passengers estimated as part of the traffic related to sea border connections). Even at the maritime borders, where possible, we hope for a progressive approach since, although the passengers to be registered in EES will be lower compared to airplanes, there is often an infrastructural situation more difficult to be changed. A progressive approach would make possible to test organizational solutions being helpful to reduce any possible issue.

Question 2

Yes, we are adapting the border operational processes to the new processes envisaged by EES based on the resources (human and technological) of each BCP, in order to contain the increased process time and ensure both safety and security. than the fluidity of border controls, according to acceptable standards.

Implementations are underway at all BCPs and we are about to test the implemented innovations.

A first information / training activity has already been completed.

A more targeted EES training was also initiated, which in the months immediately preceding the start of EES operations (January - February - March - April) will be provided extensively to all the Border Guards, in each BCP, as part of the of the national refresher training program of the State Police.

Question 3

Yes, we have already completed the supply and distribution of the new SIF stations (for manual controls) at all Italian BCPs (air and sea). We are installing additional ICT solutions (Self service kiosk) and remodeling the ABC-gates in all main airports, in order to be ready for the test phase.

As mentioned, in accordance with the revised timing (May 2023) we will be able to provide the specific training activity for EES to all Border Guards (in the months of January - February - March - April) as part of the national refresher training of the State Police.

Question 4

We think to seek the support of the Standing Corps just for some airports (those affected by a significant extra Schengen traffic flow and staff deficiencies) and where deemed strictly necessary. The deployment of Standing Corps in some ports is currently discussed with Frontex as the Agency is evaluating the establishment of JO Sea in 2023, Italy included.

LIECHTENSTEIN

I would hereby like to communicate that, given the lack of any (air, land, sea) border crossing points operated by Liechtenstein authorities, we have no information to transmit regarding the questions posed in document CM 5016/22.

LATVIA

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

a. have you implemented/are you going to implement any adaptations of infrastructure?

Following infrastructure adaptations are being implemented at border crossing points (BCPs):

- **minimum** adaptation processes are currently implemented at <u>all BCPs of airports and ports</u> (e.g., ergonomic placement of external window sills in manual booths, additional lighting, specifying the location for stationary equipment placement etc.);
- **more global** infrastructure modernization is currently implemented at <u>land BCPs (roads BCPs)</u> (rooms for biometric equipment placement, construction of bus terminals). In one land BCP on LV-Russia border (*Grebņeva* BCP) infrastructure adaptation processes are at their initial stage (LV does not have sufficient funding for construction of a bus terminal and therefore alternative solutions (e.g., temporary pavilions) are being considered).

b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

It is planned to install <u>self-service kiosks</u> (SSK) at the Riga International Airport (third-country nationals (TCN) will be able to register their alphanumeric and biometric data). During the on-site visit in 2020, Frontex has recommended to install no less than four SSK at Riga International Airport; according to current planning, it is foreseen to install 8 – 10 SSK in the arrival hall after EES EiO (the exact number of SSK to be installed at the Riga International Airport will be known after the procurement procedure will be finalized).

The current number of <u>automated border control gates</u> (ABC gates; used for EU citizens) <u>in combination with SSK</u> will ensure optimal passenger throughput – it will be possible to process 80% of travelers within 30 minutes (waiting queues will be 40% shorter). Considering the speed with which each passenger is processed by ABC gates (17 seconds per passenger which is two times less than during manual verification), ABC gates have a positive impact on overall service level and queuing of all travelers since it gives more time for first-line border guard officers to process TCN.

c. *do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?*

LV <u>currently evaluates the possibility to introduce this approach</u> in cases where BCP infrastructure and human resource capacity will be insufficient and would therefore result in excessive waiting time.

This approach might possibly be used at:

- Riga International Airport BCP (during rush hours and in case of transfer flights);
- railway BCPs (also after EES EiO, the border checks will be carried out onboard in the train (whilst the train will be standing in the territory of the BCP) by using portable equipment).

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

Adjustment process is not yet completed.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

Current state of play:

- workstations and biometric data acquisition equipment (stationary, mobile/portable): procurement procedures are completed, large share of equipment is delivered (the remaining deliveries will be finalized by the end of this year), installation of stationary workplaces will still start this year. There are certain challenges related to the equipment integration into EES which are currently addressed;
- connection of equipment to data transmission network: network throughput capacity and network unavailability risks relate to one railway BCP at LV-Russia border (*Zilupe* BCP). This issue is currently addressed in cooperation with mobile network operators (until now, two private access points have been deployed by one mobile network operator – Latvian Mobile Telephone (*Latvijas Mobilais Telefons*));
- national information system: State Border Guard information system (REIS II) for the EES needs was planned to be delivered until 31/10, however, this date is now postponed due to the fact that there are delays with the EES Central System delivery (LV will need to adjust REIS II in line with the final (0.6.0.) version of EES Central system, still to be delivered). REIS II "training environment" functionality (that will include integration with EES, including with the EES equipment) is planned to be available by December this year. Hence, practical training of 800 border guards will take place from December this year until March next year.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

LV is still assessing this matter.

It is also important to understand in more detail what kind of support Frontex Standing Corps would be able to provide; at this point, LV sees that temporary deployment of Standing Corps officers may be needed in elevated pressure/emergency situations (Permanent Corps officers, for instance, might support border surveillance activities; this would allow LV to re-deploy its border guards for border checks).

LITHUANIA

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

a. have you implemented/are you going to implement any adaptations of infrastructure?

Yes, Lithuania is implementing adaptations to the infrastructure of Border Crossing Points (BCPs) at all types of borders where it has been decided that this is necessary.
Adaptation of BCP infrastructure for AIS: installation of BCP premises for registration systems, additional roads, parking areas and information boards. A total of 18 locations have been adapted (3 airports, 2 seaports, 3 railway stations and 10 land borders).

b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

Yes, Lithuania will make use of the possibility of automation of the processes. The newly developed "Robotic Optoelectronic Biometric/Alphanumeric Registration System" will be activated at all border types.
As of today, the planning, technological algorithm, IT architecture phases of the ROBARS deployment have been completed. The installation of the equipment in the BCP's, the deployment and testing of the equipment, the coordination and execution of training and other issues are currently in progress. The activities are expected to be completed by 1.12.2022.

c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

Yes, Lithuania considers making use of the EES progressive entry into operation approach. This applies to all types of borders, however, only for exit.

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

Production work is currently underway. Pre-testing has been successfully completed. Evaluation of the functionality implemented in the second iteration has been completed and is working without critical bugs. Testing of SBGS information system software in a real environment is being carried out in all Frontier Districts - one workstation in each Districts in 24/7 testing mode. Completion and production of the national SBGS IS components is expected by 31/12/2022.
All systems will be in place on time, we are ready for the upgrading of business processes, training plan for officers has been developed and is being implemented.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

Yes, we will be ready for end-to-end testing. The IT solutions and necessary equipment for the BCP's are expected to be implemented by the end of 2022.
ROBARS components:
- Biometric eGates (34 TraveLane 2 Steps)
- Self-service kiosks (74 TravelKiosk EU-EES)
- Manual counters
  - Face capture (76 TravelTotem)
  - 2nd line verification devices (76 passport readers and 76 fingerprint scanners)
- Mobile workstations (120 tablets)
- Backup workstations (105 suitcases)

By the due date all training of border guards under the national programme will be completed.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

No. Lithuania does not consider asking Frontex to deploy the Standing Corps to support with the border control processes.
A number of additional measures have been taken to facilitate the processes at the border:
- Animated, informative video clips in English with subtitles in LT, RU, BY, UA, voice-overs in EN, LT, RU, BY, UA, as well as animated, explanatory maps of the unique BCPs, and a draft of an A4 size, colour information leaflet were produced;
- ROBARS website developed - www.robars.eu;
- Purchase of information terminals to enable TCPs to find out information on the balance of remaining authorised stay.

LUXEMBOURG

Please find hereafter the written comments of the Luxembourgish delegation, following the Frontiers WP on 19 October. Luxembourg agrees to the publication of the written comments on the Delegates Portal.

Q1: A simulation exercise has been conducted at national level and has concluded that the entry into operation of the EES will have a significant impact in peak times. Regarding the infrastructure, an extension of the airport facilities is not possible, but adaptations of infrastructure (preparation of area for kiosks, installation of kiosks and towers, as well as adaptation of border control booths) are ongoing and should be finalised by January/February 2023. On the question of automation, Luxembourg currently envisages the future use of ABC gates at the exit and on second entry (TCNs who return to the Schengen area after having been registered in the EES). Luxembourg will try to fully implement the EES from the beginning, but follows the concept of the progressive entry into operation closely, and if needed, will make use of the progressive EiO approach at its external border (air).

Q2: An analysis regarding necessary adjustments of business processes has been conducted. The border guards will be trained by national multipliers who participated in the EES training offered by Frontex. Specific training on the use of the national system will also be provided.

Q3: Yes, Luxembourg will be able to install the ICT solutions and required equipment at our BCPs by the time of entry into operation.

Q4: Luxembourg currently does not consider asking Frontex to deploy the Standing Corps to support the border authorities with the border control processes. Having said this, it must also be noted that the creation of a legal basis for the hosting of Standing Corps agents constitutes a challenge, which is currently being addressed.

THE NETHERLANDS

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

a. have you implemented/are you going to implement any adaptations of infrastructure?

Yes, both at our maritime borders and at airports

b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

Self service kiosk, E gates also for TCN , mobile app pre-registration (questionnaire)

c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

Yes, we will probably need to apply this minimal at AAS and at the maritime ferry bcp's.

If on the Eurostar entry checks are submitted to progressive approach. Then we will make use of the progressive approach on exit on the BCP Amsterdam CS and Rotterdam CS. We do not have the possibility to do the registration for large groups at these BCP. (infrastructure is not available)

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

For the development of the national training (on the use of the equipment and the process) a defined process is essential. The final process can be defined when the system is tested end to end. For this purpose there is a need for high-quality, integrated and timely available central systems as a precondition for achieving the planning. We need 7 months between the start of CT and EiO. With the current delays we will continue our hard work to achieve a qualitative and successful EiO. But we can no longer commit to the planned EiO of May 2023.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

We are confident that we can install the ICT-solutions and the required equipment for the timely performance of the end to end testing and training, but in order to start end-to-end testing en training we have a dependency with the availability of a high-quality integrated central system.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

It is our intention to reach out to Frontex and discuss possibilities for support.

NORWAY

a) *Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES?*

1. Initial analyses have been made. Further analysis will be made after the start of actual user testing. This depends however on the Core Solution software being made available to the Member States.

2. EES Camera solutions already in place will be used in actual border checks before entry into operation of the EES, thus gaining real life experience on how these new elements impacts passenger flows.

Based on your analysis:

a. *have you implemented/are you going to implement any adaptations of infrastructure?*

- Yes, we have. All necessary adaptations of infrastructure at the border crossing points will be completed in time for entry into operation of the EES.

b. *will you make use of the possibility of automation?*

- Norway will not make use of automation at entry into operation.

- We will have automated camera solutions operated by the border guards at all major BCPs, but they will not be self service solutions.

- We will consider introducing self service solutions after EiO.

c. *do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?*

- This is yet to be decided. There are in our view still uncertainties connected with the proposed "progressive entry into operations approach", both legal, technical and practical.

- A progressive entry into operations approach includes the risk of increasing the problem this approach tries to minimize, or just move the problem to another BCP in Norway or in another Member State. We also note that if one MS make use of the EES progressive entry into operation, then all other MS also must handle the consequences even if they have not made use of the possibility themselves.

- We will follow the discussions, and make final decision at a later time.

5. *Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations?*

- Yes, we have.

6. *In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?*

- We will be able to install the required equipment at all our BCPs.

- Norway will do our utmost in order to timely perform the end-to-end testing, and training of the border guards in time for EiO of EES in mid-May 2023.

- However, the time now given by eu-LISA to the MS to carry out all necessary work is significantly reduced compared to the revised timeline adopted summer 2022.

- The risk of not being able to finish in time is therefore very high, and increasing with each day of extra delay from eu-LISA.

- Norway have signalled in the RAP-IT meeting before the summer 2022, that we will need the time from delivery of production like solutions (having passed the SST criteria of no blocking errors, no major errors and not more than 10 minor errors) at the 15th of September until mid-May 2023 in order to finalize development and testing (including end-to-end testing) of our national solutions.

- We have also signalled that we will report "Yellow/Not on track" if the delivery is delayed by less than one month, and "Red/At risk" if the delivery is delayed by more than one month.

- In its weekly progress report no. 54, the eu-LISA signalled that the functional SST will be available for all MS at the earliest from the 15th of November, i.e. significantly more than one month delay.

7. *In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?*

- No, we are not considering this.

POLAND

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

The analyses carried out assume that the verification should not have a major impact on the duration of the border control due to the use of fingerprints. A factor that increases time is the need to conduct verification also on the exit direction. The registration performed at the first border crossing will have a significant impact. Tests of the purchased equipment performed in real environment showed that the time for border control of a single passenger will increase by 30-120 seconds, but only in the case of the so-called happy flow. The time indicated above does not take into account cases requiring additional activities, such as identity management.

a. have you implemented/are you going to implement any adaptations of infrastructure?

Individual border crossings, depending on local conditions, made minor adaptations to their needs (e.g., construction of terminals). In addition, a number of network works were carried out (modernization of wireless networks in the organizational units of the Border Guard, purchase of network and matrix-server infrastructure).

b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

In the first stage, i.e. during the implementation of the system, the use of self-service systems is not planned.

c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

Yes. The Border Guard has the necessary equipment to carry out border checks using the EES system, however, due to the expected increase in the duration of border checks during the registration of third-country nationals, especially in the first period after implementation of the system, progressive entry into operation approach is being considered. Its implementation would be based on the current needs of the border crossing point concerned, regardless of its type.

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

The adjustment of business processes is still ongoing. Some of the new processes are being practiced as a pilot on the I line of border checks. The complete integration of EES processes into the border check system will make it possible to complement the theoretical training currently being conducted with practical workshops before the system is launched.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

The Border Guard already has the necessary equipment to implement the EES. A pilot of facial image retrieval is underway, enabling officers to train of performing this activity now. The current implementation deadline will allow testing and training to be completed in time.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

Poland does not intend to request the Agency for the deployment of the Standing Corps (SC) to support the border control process in relation to EiO of EES. The use of SC will be in line with the arrangements made during the ABN (Annual Bilateral Negotiations).

PORTUGAL

1. *Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:*

    a. *have you implemented/are you going to implement any adaptations of infrastructure?*

      Yes, where needed;

    b. *will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?*

      Yes.

      air – SSS, e-Gates and electronic MBC;

      Sea – SSS, mobile and electronic MBC;

    c. *do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?*

      No, unless it´s mandatory.

2. *Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.*

      Yes. Ongoing procedure;

3. *In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?*

      Yes for ICT solutions and still an open issue for equipment;

4. *In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?*

      Not at this moment;

ROMANIA

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:

> *a. have you implemented/are you going to implement any adaptations of infrastructure?*

> *b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?*

> *c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?*

Following the internal analysis, the decision was that no adaptation of infrastructure in the Romanian BCPs is to be implemented at the moment and focused measures for managing the passenger flows are taken into consideration (e.g. directing road traffic so that access into the BCPs is not blocked).

Automation will not be used /implemented for EES EiO, but this issue will be reassessed at a later stage.

EES progressive entry into operation approach is under analysis, to be used possibly for the airports with a high traffic of passengers, but also in road BCPs during the summer season.

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

A working procedure establishing a set of rules regarding the relevant border check activities has been drafted and distributed to all border guards concerned. All the end-users have been trained in order to acquire the specific competences to fulfil the new procedure at the border checks. Practical testing activities will also be performed both to allow border guards to become familiar with the new workflows, and for revising it, if necessary.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

The installation of the ICT solutions in the BCPs is expected to be fully completed at the beginning of the next year. As soon as this is accomplished, end-to-end training and rehearsal of the new processes will be carried out. RO is confident that all these activities will be completed in due time.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

The possibility to request Frontex support, through deploying the standing corps, is under analysis at the level of the Romanian Border Police.

SLOVAK REPUBLIC

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES?

Yes, we have analysed the impact of EES implementation on border control processes. We have also analysed the composition of passenger flows, especially in terms of nationality and the obligation to be registered in EES.

Based on your analysis:

   a. have you implemented/are you going to implement any adaptations of infrastructure?

As concerned the start of operations of the EES the Slovak Republic has planned the infrastructure expansion at road border crossing points at the external border with Ukraine. The implementation of projects regarding infrastructure reconstruction is expected to be complete at the end of 2023.

   b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

In the first phase following the start of operations of the EES the Slovak Republic does not plan to use the automation of border checks on third-country nationals. However, the deployment of the Automated border control system for EU citizens at Bratislava Airport is planned to reduce waiting times as well as to speed up the passenger handling process.

   c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

The Slovak Republic is considering the possibility of using the progressive approach, especially at land borders. However, we don´t exclude the use of this approach at airports if the conditions and reasons for such a procedure are met.

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

We have prepared and adopted some internal regulations. Currently, we are preparing EES trainings for police officers carrying out border checks and immigration checks within the territory. In the framework of the Frontex EES support package bilateral negotiations are taking place in the development of the content and form of our national EES training.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

All police officers concerned should be properly trained according to the timetable foreseen for the training. However, this depends on the start of the pilot version of the national application ensuring the connection of the national border infrastructure with the EES central system and on the timely delivery of required peripheral equipment.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

This option is still open for further consideration. The Slovak Republic will consider the request regarding the deployment of the standing corps, if such a situation arise, especially at the external land border.

SLOVENIA

1. Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:
a. have you implemented/are you going to implement any adaptations of infrastructure?

The process on the BCP's has been analysed it was found that it takes up to
4 times longer to do the new process - border check + enrolment + verification. That is way we are using more than just self-service kiosk.
However, due to the infrastructure being what it is and cannot be changed (most BCP's are in such location that widening the BCP area, introducing more lanes etc. is not physically possible and is not funded by the EU) we are going to deal with prolongations of waiting time. We feel that a quality information campaign within Member States and in the third countries can be of immense help.

b. will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?

Automation and pre-registration (self-service kiosks) will be possible on air BCP's, passenger terminal on maritime BCP and on those land BCP's that have bus terminals. Self-service kiosk combined with ABC gates were only envisaged for air BCP Ljubljana, however, we intend to use them for border check of EU citizens only. Ideas for mobile pre-enrolment procedures (mobile applications) could contribute to faster procedures for third country nationals enrolment and should be further discussed on EU level.

c. do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?

We will make use of progressive approach on the land BCP's with the most TCN traffic and on the railway BCP's.

2. Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.

We have adjusted our business processes. The final adjustment will be processed after full software solution on central and national level will be finalised and we are adopting new software solution based on central system progress and availability. Basic training has been already started, after the software solution will be finalised and all business processes will be adopted, also practical training will be conducted.

3. In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?

The purchase and installation of stationary solution for BCP is finished, basic mobile solution (Windows based) for trains and additional use on land BCPs has been purchased. There are additional purchases of mobile devices (Android based) and additional stationary solution pending.

4. In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?

We don't believe we will need help from Frontex teams for EiO of EES.

SWITZERLAND

1. *Have you analysed how the passenger flows at the border crossing points (BCPs) will be affected by the introduction of EES? Based on your analysis:*
    a. *have you implemented/are you going to implement any adaptations of infrastructure?*

        Yes, self-service kiosk systems and/or camera towers are being installed at bigger airports.
    b. *will you make use of the possibility of automation? If yes, what are the solutions you envisage and at which type of borders (air, sea, land)?*

        The use of self-service kiosks in combination with border control booths and/or e-Gates leads to a partial automation at Swiss air borders.

    c. *do you consider making use of the EES progressive entry into operation approach? If yes, at which type of borders do you estimate the need to apply this approach?*

        Switzerland understands the concerns expressed by the Commission and shares the aim to mitigate the potential temporary negative impact at border crossing points as much as possible. However, based on the analysis by the competent Swiss authorities (that has been shared with the COM with reference to the Smart Borders Committee Meeting on September 23). Switzerland will refrain from making use of the EES progressive entry into operation.

2. *Have you adjusted the business processes, together with your internal methodology, in order to be able to appropriately rehearse those new processes and timely train the border guards in frame of national programme for the training activities before the start of operations? If not, please indicate the main causes.*

    Due to the tight timeline of the EES project, it focuses on the technical implementation of the system. In the process, the importance of well-functioning business processes is neglected. For that reason Switzerland runs the risk of having to implement an EES that is not in tune with business processes and thus leads to a less-than-ideal and less efficient border control practice.

3. *In accordance with the EES revised timeline (entry into operations May 2023), will you be able to install the ICT solutions and required equipment at your BCPs (air, land, sea) in order to timely perform the end-to-end testing, training of the border guards in frame of national programme for the training activities related to EES and the EiO itself?*

    Border guards will receive training on EES and on all European information systems. Specific e-learnings are being set up. However, the delays in development of the test environment on the part of the Agency put the timely and thorough training of Swiss border guards at risk. The parallelization of development tasks across the various systems in view of establishing interoperability results in a highly complex - and therefore extremely risky - project landscape.

Swiss border crossing points and border guards risk being overchallenged with the high frequency of new systems entering into operation. They will barely have the chance to get accustomed to a system before the next system is being launched.

4. ***In order to help you with the initial pressure on border crossing points related to EiO of EES, are you considering asking Frontex to deploy the Standing Corps to support you with the border control processes?***

No.

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