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

E-MAIL

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**9th Report to the European Parliament and the
Council of the European Union on the implementation
of ETIAS
April 2023**

1

Table of Contents

1. Background	2
2. Executive summary	2
3. Work streams' progress.....	3
3.1. Implementation of ETIAS at Europol	3
3.2. Support to other ETIAS stakeholders	4
4. Governance	5
5. Budget execution	5
6. Major Risks.....	7

1. Background

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

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

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

2. Executive summary

In the current reporting period (October 2022 – March 2023) the preparations by Europol were significantly affected by the delays in the development of ETIAS Central System as a result of issues which emerged in the development of the Entry/Exit System (EES). As is the case for Member States and other Union Agencies implementing the Interoperability Agenda, Europol is dependent on the timely provision of technical documentation and testing environments by eu-LISA. The delays with respect to the ETIAS Central System are creating challenges for planning and resourcing the ETIAS project (and other EU Interoperability projects) at Europol. Despite this, the Agency is committed to making necessary adjustments to achieve the readiness of Europol for the entry into operation of ETIAS.

As a result of the above, Europol has made significant progress with internal tools and solutions supporting ETIAS processes that are independent from the developments on ETIAS Central System side. These refer to the provision of a stable Interface Control Document for *QUEST for ETIAS*² and related developments, such as the user interfaces and technical solutions for the tools supporting the ETIAS

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

² *QUEST* is a system interface allowing automated queries against Europol data, while *QUEST for ETIAS* is a version of *QUEST* specifically dedicated to ETIAS automated queries.

Europol Unclassified - Basic Protection Level

Watchlist management and manual processing of hits at Europol. The work on these tools will continue as business needs are further refined and issues are being clarified.

The open risk is the staffing of the ETIAS function at Europol for the manual processing of ETIAS hits and providing a reasoned opinion to ETIAS National Units of responsible Member States. As no dedicated fund or staff resources have been allocated to Europol in the budget and establishment plan 2023 for the performance of ETIAS related tasks, Europol has taken steps to mitigate this risk. Europol has internally reshuffled staff to this end and a provisional agreement has been reached with Frontex, with the support of the European Commission, on the temporary reallocation of 5 Temporary Agent (TA) establishment posts and 20 Contract Agent (CA) positions from Frontex to Europol for the period of 2024 to 2027, pending approval in the currently ongoing budgetary procedure. However, discussions on a long term solution will continue in view of the envisaged entry into operation of ETIAS.

3. Work streams' progress

3.1. Implementation of ETIAS at Europol

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

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

The implementation of ETIAS at Europol is significantly impacted by the changes in timelines at EU level. Notably, due to several dependencies, the delays with the Entry/Exit System are also causing delays in the ETIAS timeline and the planned start of ETIAS testing activities has subsequently been postponed.

Europol has developed and shared with eu-LISA the stable Interface Control Document for *QUEST for ETIAS* that lays down the technical specifications for the exchange of information between Europol data and ETIAS via the European Search Portal (ESP). The work on further refinements of the specification will continue. Current internal performance tests show that Europol's technical solution has successfully reached the high performance requirements of ETIAS (number of searches, response time). At the same time, it has to be noted that the negotiations with the Host State on the second active-active data centre that would support achieving the high availability and disaster recovery requirements have not progressed according to the initial plans, but negotiations continue.

In addition, with regard to ETIAS automated processing, meetings are planned with Europol stakeholders to validate the planned matching rules, but also to explain these to the ETIAS Central Unit at Frontex to facilitate the verification of hits.

ETIAS watchlist related developments are progressing well. The internal technical tools to select, verify and assess the potential entries to ETIAS watchlist is taking shape, as well as the functionalities to manage (update, delete, review) the Europol entries in ETIAS watchlist. The technical solution for establishing the connectivity to eu-LISA has been put in place, awaiting the start of formal compliance tests.

Europol has progressed well with the internal development of tools supporting the ETIAS manual process. The business processes have been identified, their definition and development takes place back to back with further refinement of the business needs. On 27 January 2023, a workshop took place with the participation of the European Commission (DG HOME), Frontex, eu-LISA and several Member States with an objective of clarifying Europol related workflows. Among several useful topics identified, establishing streamlined and effective consultations between Europol,

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ETIAS National Units, Europol National Units (ENUs) within the very limited timeframes of processing ETIAS travel applications continues to be a challenge that will be tackled in follow-up sessions.

Regarding Europol access to ETIAS data, Europol has been working on the internal approval workflow for verifying access requests to ETIAS data in alignment with the ones of EES and Visa Information System (and Eurodac in the future). The discussions have taken place with the ETIAS Central Unit at Frontex on the arrangements between the two Agencies, since as per ETIAS Regulation, the ETIAS Central Unit is empowered to perform the searches in ETIAS requested by Europol for law enforcement purposes.

Since the last report, Europol had the first meeting with the European Data Protection Supervisor (EDPS) to explain the envisaged internal processes and tools supporting ETIAS automated process to comply with the legal obligations from both, the amended Europol Regulation and the ETIAS Regulation. This practice will be repeated for the rest of ETIAS work streams and required Data Protection Impact Assessments (DPIA). Europol is finalising the respective DPIA and related documentation to launch the prior consultation on ETIAS automated process as a priority. Discussions are ongoing between the data protection functions of Frontex and Europol with regard to Data Subject Access Requests (DSARs) that will be submitted once the ETIAS becomes operational.

It has to be noted that Europol is strongly dependent on eu-LISA's provision of technical documentation and artefacts. Further future delays in receiving relevant information and starting of testing require Europol to adjust its planned resources and internal planning, which, given the number of parallel projects, is a challenge for the Agency. This challenge is further amplified by the dependency on the integrated planning by eu-LISA which is impaired by the continuous issues with the delivery of EES.

3.2. Support to other ETIAS stakeholders

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

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

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

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

4. Governance

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

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

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

5. Budget execution

Regarding human resources for business oriented activities, the preparations for implementing ETIAS at Europol have grown in intensity and extent, and require the assignment of dedicated of Europol staff. Across the organisation, different profiles of staff have contributed to this work during the reporting period. This equals in average 4.5 Full Time Equivalents (FTEs) and includes mainly the contribution of the Operations Directorate, Data Protection Function (DPF) as well as the Information Management Unit (IMU) which is responsible for the governance and implementation of the EU Interoperability Programme, including ETIAS.

With regard to Europol's ICT costs for implementing ETIAS, an overall average of 4 FTEs of ICT staff were involved in ETIAS implementation, delivering mainly requirements analysis, architecture design, preparations and development and test for automated cross-checking of ETIAS data against Europol data, the implementation of the ETIAS Watchlist management and developments related to Europol's internal processes. Additionally, Europol ICT has significantly increased the number of ICT contractors (from 5.3 to 12 FTE) and committed 1.64M Euro to that end for supporting the delivery of ETIAS.

There has been some progress with regard to the staffing the ETIAS function at Europol responsible for manual processing of hits against Europol data and Europol entries in the ETIAS Watchlist and providing Europol reasoned opinion to ETIAS National Units. As described in earlier reports, the estimation of resources show the need for up to 38 FTEs between 2024 and 2026 for the Operations Directorate for the performance of ETIAS related tasks. In order to start addressing this pending issue of concern, Europol has internally allocated 16 FTEs for all the tasks stemming from the EU Interoperability Programme. Additionally, it has been provisionally agreed between Frontex and Europol, with the support of the European Commission, to temporarily allocate 5 Temporary Agent (TA) and 20 Contract Agent (CA) staff positions including the related budget from Frontex to Europol as from 2024 till 2027. This, pending the approval in the currently ongoing budgetary procedure, will help Europol to start performing the ETIAS related tasks by the entry into operation of ETIAS and at the same time, undertaking other interoperability related operations such as SIS/SIRENE operations. However, it has to be noted that this initial allocation might not be sufficient and adjustments in the number of staff may be needed, depending on the workload ETIAS will create. Additionally, cooperation with the European Commission, for subsequent decision by the European Parliament and the

Europol Unclassified - Basic Protection Level

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

6. Major Risks

Risk	Description	Management approach (& risk response)
Delays and/ or misalignments due to parallel projects	A significant amount of parallel projects for EU Interoperability create particular challenges for the planning and coordination of all the relevant activities. Tight timelines and limited amount of resources (overlapping staff in all projects) make it extremely challenging to comply with the regulatory deadlines set by the involved stakeholders.	Good planning and excellent coordination are of utmost importance, however the residual risk remains that the available tight timelines and related aspects, which make the ongoing work prone to errors, do not allow for unexpected developments or adjustments.
Lack of resources for operational staff	Without additional resources for recruiting relevant operational staff to provide follow-up to hits against Europol data and Europol's input to ETIAS Watchlist, including providing Europol's reasoned opinion, Europol's capability to keep the 60h deadline may be jeopardised. (The Legislative Financial Statement (LFS) of the ETIAS Regulation did not foresee the resources these tasks for Europol; The LFS for Interoperability and LFS for the amendments to the Europol Regulation did not foresee additional resources for ETIAS purposes.)	In 2023, the internal reshuffling of staff to support the functioning of ETIAS at its entry into operation (as a short-term mitigation measure). Provisional agreement with Frontex on temporary allocation of 5 TA and 20 CA positions from Frontex to Europol as from 2024. Allocating of relevant additional resources in Europol's annual budget and establishment plan for 2025 and onwards needs to be carefully assessed.
Delays in business architecture due to external dependencies	The design of the business processes has encountered delays already. The secondary legislation has now reached a stable form (and has in part been adopted) which allows continuing with the finalisation of the description of business process requirements. The consultations with the European Commission and Europol's operational stakeholders can take longer due to the sensitive and complex nature of the ETIAS processes to be performed by Europol. Delays in the design business architecture can occur also due to the outcome of the prior consultation with the EDPS (as foreseen under Article 39 of the amended Europol Regulation) which can trigger a need for several rounds of prior consultations, if so required by the EDPS.	Close involvement and monitoring of the developments in order to convert these without delay into the related documentation, and the sharing of developments with relevant internal entities to enable their progress. As early as possible, the EDPS is involved for guidance concerning the design of the ETIAS business processes.

Europol Unclassified – Basic Protection Level

Risk	Description	Management approach (& risk response)
Delays/changes in the technical implementation impair the operational entry into force and associated costs	Europol is dependent on the availability and quality of technical documentation and artefacts (different simulators, environments, etc.), but also on the architectural design choices by eu-LISA. The technical documentation supporting the implementation at Member States' and the EU Agencies' level might suffer from changes that could affect the implementation duration and costs. Changes in the overall timeline pose a significant challenge for the Agency's planning and resources impact, especially due to numerous parallel projects under the EU Interoperability Programme.	Close monitoring of the risk and close cooperation with eu-LISA. Adopt an agile management and development approach to allow for more flexibility in Europol's implementation (which unfortunately increases the development costs). The risk has materialised.
Misalignment in the technical implementation	The technical implementation is executed by several independent entities. Yet, there is a large degree of interdependency of what is developed and the different parts need to blend in seamlessly for the effective functioning of the system as a whole.	Regular meetings for technical consultation and alignment between the key partners, especially with the European Commission and the two other Agencies involved (Frontex and eu-LISA). Also staying closely involved in the technical requirements analysis by eu-LISA is important.
Scalability of technical infrastructure and processing performance	Core components of the cross-check mechanism by which ETIAS travel application data is matched against Europol data will have to meet the performance requirements defined for the system. It needs to be factored in that these same core components, such as QUEST, are envisaged also for automated cross-checks of visa applications under the VIS Recast. To meet the business continuity and disaster recovery requirements, Europol HQ hosts two separate and independent data centres that are designed to ensure the business continuity of Europol's services.	Broad orientation on the future use of the system and the calculation of the expected number of transactions, response times and uptime requirements, so to design a future-proof, scalable solution with sufficient processing power and performance. The negotiations with the Host State to establish an additional ("hot") data centre (for ensuring 24/7 business availability without any disruptions) at a different location than Europol HQ are ongoing. According to estimations, if the negotiations are successful, the new data centre could be available in 2028 the earliest.
Uncertainty about future workload	The number of visa-free countries has augmented since the initial calculations of 2014 and also Brexit is expected to increase the number of ETIAS travel applications. The impact this may have on the operational workload is difficult to predict.	Close monitoring and where possible contributing to the re-assessment of the anticipated number of ETIAS applications.
Lack of support by data owners	The use of crime-related information from Member States, third countries and other partners for processing in the context of ETIAS is subject to their consent. It is important that they have a good understanding of the relevance and the benefit in order to broadly support ETIAS.	Proactive information and consultation of the HENUs as representatives of the competent authorities of Member States. Also third countries' representatives will be closely engaged in these consultations.