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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	5154/23
Subject:	Frontex report on the ETIAS state of preparation

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

E-MAIL

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FRONTƎX
EUROPEAN BORDER AND COAST GUARD AGENCY

IM 004625 2023
14-04-2023

ETIAS/CETIAS/2023/04

Ms Annika Jarlebring
Minister Counsellor, Head of the JHA unit

Dear Ms Jarlebring,

In accordance with Article 92(2) second subparagraph of the Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing the European Travel Information and Authorisation System (ETIAS), every six months Frontex shall submit a report to the European Parliament and the Council on the state of preparation of ETIAS.

The document in annex constitutes the ninth report of Frontex and covers the six months period from October 2022 to March 2023.

Please accept the assurances of my highest consideration.

Yours sincerely,

Electronically signed

Hans Leijtens

Executive Director

CC: Ms Marianne Persson, Director;

Ms Marie Söderlund, Director;

Ms Cecilia Zetterberg Garzón, Justice and Home Affairs Counsellor;

Mr Marco Roman Loi, Desk Officer;

Ms Camilla Annerstedt, Desk Officer;

Ms Thérèse Blanchet, Secretary-General of the Council of the European Union;

Ms Christine Roger, Director-General Justice and Home Affairs;

Mr Kim Freidberg, Director Home Affairs.

Annex: Frontex's report to the European Parliament and the Council on the state of preparation of ETIAS.

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FRONTEX
EUROPEAN BORDER AND
COAST GUARD AGENCY

Frontex's report to the European Parliament and the Council on the state of preparation of ETIAS

Period covered: October 2022 to March 2023

Frontex's report to the European Parliament and the Council on the state of preparation of ETIAS

Period covered: October 2022 to March 2023

Background information

Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018[1] (the 'ETIAS Regulation') establishes the European Travel Information and Authorisation System (ETIAS) applicable to visa-exempt third-country nationals seeking to enter the territory of the Member States.

The ETIAS Regulation entrusts the setup and the operation of the ETIAS Central Unit to the European Border and Coast Guard Agency (Frontex). For this scope, Frontex cooperates with the European Commission, eu-LISA, Europol, the Member States and the Schengen Associated Countries that are participating to the development of the provisions of the Schengen acquis.

In accordance with Article 92(2) second subparagraph of the ETIAS Regulation, Frontex shall submit every six months a report to the European Parliament and to the Council on the state of preparation for the implementation of the ETIAS Regulation. Such report shall include detailed information about the costs incurred and information as to any risks which may impact the overall costs of the system to be borne by the general budget of the Union.

This report covers the activities during the period from October 2022 to March 2023. This report builds on the previous report submitted to the European Parliament and to the Council on 22 December 2022.[2]

Whilst this report is addressed to the European Parliament and to the Council, it is sent in parallel to the European Commission.

Executive Summary

During the reporting period, the Justice and Home Affairs Council (JHA) of March 2023 exchanged views on the state of play of the implementation of interoperability and notably on the delayed start of the Entry/Exit System (EES), which will undoubtedly to a revision of the date of entry into operation of the European Travel Information and Authorisation System (ETIAS).

While waiting for a revised overall timetable for the implementation of the new interoperability architecture, the Agency continued the implementation of the project activities for the setting up of the ETIAS Central Unit and managed *inter alia* to finalise the training of the second wave of Application Handlers and Travel and Carrier Support Operators and to launch the recruitment procedure for the third wave of ETIAS Operators. It proceeded with the drafting of the content of the ETIAS public website, the development of standard operating procedures for the carrier support and kept improving many of the core capabilities.

Frontex continued its cooperation with the external stakeholders to ensure the alignment of the legal, business, and technical streams for the development of the ETIAS. In this regard, Frontex supported the

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[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] Our ref. : Ares (2022)8931039 - 22/12/2022

Commission, eu-LISA, Europol, and the Member States/Schengen Associated Countries in their activities for the implementation of ETIAS.

The Agency continued to monitor and manage the risks of the project. Based on the continuous assessment of the risks' likelihood, impact and level, it identified as main risks the current lack of the Carrier and Traveller Support Tools due to the delays in their development by the eu-LISA, the risk of not completing on time the sections of the ETIAS website related to the exercise of data subject rights and appeals due to missing input from some Member States) for ETIAS. At this stage such risks do not yet appear critical. Currently there are no major budgetary issues which may impact the overall costs to be borne by the general budget of the Union.

1. Project Organisation

The setting up of the ETIAS Central Unit is divided into project phases, with additional supporting activities being performed in parallel.

1.1. Project phases

1.1.1. Initiating and planning phase

The initiating and planning phase of the project of setting up the ETIAS Central Unit concluded, as reported in the previous reporting periods.

1.1.2. Executing phase

The current execution phase aims at providing a fully functioning ETIAS Central Unit by the entry into operation of ETIAS. During the reporting period, progress has been made in all work streams including the recruitment of new staff for the ETIAS Central Unit, the creation of the ETIAS public website and the development and documentation of the work processes and procedures. The preparation for the testing of the system and of the relevant procedures, as well as the support provided to the main stakeholders in the shared project activities continued. The Agency considered the successful cooperation with all relevant ETIAS stakeholders as crucial for the progress of the project activities and for the efficient conclusion of this phase.

1.1.3. Closing phase (Transition into operation)

This phase will ensure that all necessary activities are performed by the Agency to enable a fully functioning ETIAS system, including its interoperability with the relevant IT systems of the Member States/Schengen Associated Countries' infrastructure and of the carriers. Besides, it aims at securing that all processes, procedures, control mechanisms and monitoring systems are in place and that staff is duly trained and ready to execute its tasks. It will also include the setting up of the ETIAS Screening Board and of the ETIAS Fundamental Rights Guidance Board. This phase will be completed by the entry into operation of ETIAS by a Commission Decision.

2. Workstreams progress

Frontex achieved results in several areas during the reporting period. The main activities included:

2.1. Preparation activities

2.1.1. Continuous review of the planning

During the Justice and Home Affairs (JHA) Council in March 2023, an exchange of views took place on the state of play of the implementation of interoperability and notably on the delayed start of the Entry/Exit System (EES). Consequently, the entry into operation of the European Travel Information and Authorisation System (ETIAS) - currently scheduled to become operational in November 2023 - will most likely have to be revised.

While awaiting a revised timetable for the implementation of the new interoperability architecture, the Agency started to assess all possible scenarios and identify measures to mitigate any possible delay. It also continued to adapt the planning of the project for the set-up of the ETIAS Central Unit. The adaptation of the project planning will continue until ETIAS enters into operation. This ensures the alignment of the ETIAS Central Unit activities with the milestones and the development of the ETIAS Central System, as well as the fulfilment of its compliance obligations.

2.1.2. Implementation of the organisational structure of the ETIAS Central Unit

During the period covered by the present report the ETIAS Central Unit continued to implement its organisational framework through the development of internal rules, standard operating procedures and by further building up its managerial structure.

The ETIAS Central Unit Division is currently divided into the following units and offices:

(a) the **Application Handlers' Unit**, which shall be responsible for the processing of applications of third-country nationals for an ETIAS travel authorisation, operating 24 hours a day, 7 days a week.

(b) the **Assistance Centre Unit** which shall be responsible for providing assistance to travellers, carriers and border authorities, operating 24 hours a day, 7 days a week.

(c) a **Data Management Office** responsible for carrying out the self-monitoring and data controller functions for the data processed by the ETIAS Central Unit Division.

(d) a **Coordination Office**, providing business management, corporate planning and reporting, as well as horizontal coordination for the ETIAS Central Unit Division.

The ETIAS Central Unit progressed in the preparation of work arrangements for the 24/7 services and ensured the adoption of the ED Decision on shift work for the ETIAS Central Unit staff. The activity will continue during the next reporting period, including the consultation process with internal stakeholders for the adoption of the Administrative Notice on shift work for the ETIAS Central Unit employees.

2.1.3. Recruitment procedures state of play

During the reporting period the Agency carried out the following activities on recruitment of resources to the ETIAS Central Unit:

- Finalized the recruitment of the Head of Unit of the Assistance Centre Unit.
- Completed the onboarding and training of 6 Shift Managers within the Applications' Handlers' Unit.
- Completed the onboarding and training of the second wave of Application Handlers and Traveller and Carrier Support Operators, as well as the recruitment of a Stakeholders' Management Assistant.
- Proceeded with the recruitment procedure of the third wave of Application Handlers, Traveller and Carrier Support Operators, and MID operators (altogether, 80 vacant positions) to be onboarded in September 2023.
- Published the vacancy notices for managerial functions such as the Head of Data Management Office, Deputy Head of Applications Handlers Unit and Deputy Head of Assistance Centre Unit.
- Published the vacancy notices for several specialised functions such as Risk Screening Officers, Data Management Officers, Stakeholders Management Officer, and Team Leaders.

The recruitment needs will continue to be monitored, analysed, and evaluated during the next reporting period and will be integrated in the broader recruitment goals of the Agency, in accordance with the respective establishment plan and post allocation exercise.

At the end of March 2023, the staffing of the ETIAS Central Unit Division consists of 120 staff members and is divided as follows:

Staff category/Entity	ETIAS Central Unit Division	Application Handlers Unit	Assistance Centre Unit	Data Management Office	Coordination Office
TAs	1	10	2	1	5
CAs	2	75	22	0	2

2.1.4. Allocation of human resources to the project and ETIAS Central Unit

To ensure an optimal allocation of human resources in the period before the entry into operation of EES/ETIAS, the ETIAS Central Unit Division performed an internal needs assessment focusing on identified internal workstreams necessary for the development of crucial capabilities for setting up and running the ETIAS Central Unit and carried out a Talent Screening exercise for the currently employed ETIAS operators, as crucial tool supporting staff management activities.

As a result, the ETIAS CU prepared a staff allocation plan assigning ETIAS operators to either internal workstreams (42 ETIAS operators) or to other business entities within the Agency (55 ETIAS operators), including those supporting indirectly the advancement of the ETIAS project in other entities within Frontex.

The ETIAS Central Unit will continue the regular monitoring of the use of resources to ensure continuous adaptations to the internal evolving needs, and adjustments in the planning.

2.1.5. Premises of the ETIAS Central Unit

During the reporting period, Frontex finalised the procurement activities for the rental of additional workspace for hosting the ETIAS Central Unit, as well as to provide for alternative office facilities for Frontex HQ in case of disaster or serious event. Furthermore, the ETIAS Central Unit continued the activities aimed at ensuring the usage of the back-up data centre services in a separate location.

Work is ongoing to ensure that the additional premises and the use of the back-up data centre will be operational in the second semester of 2023.

2.1.6. Security, Business Continuity and Disaster Recovery plans

The ETIAS Regulation (art.59) provides that ETIAS Central Unit has to prepare, adopt and implement the relevant security, business continuity and disaster recovery plans to ensure the security of the ETIAS Information System and of the personal data stored, as well as to secure that in case of interruption the installed systems and processes can be restored to normal operation.

During the reporting period ETIAS Central Unit made considerable progress in this area, developing a draft security plan, a draft business continuity-, and a disaster recovery plan, which, according to the established methodology, must be revised every six months and updated in case of changes.

All deliverables are currently under revision to ensure alignment with the new ETIAS premises and back up site. This revision will continue in the next reporting period.

2.1.7. Assistance to carriers

Frontex, in cooperation with eu-LISA and the European Commission, continued supporting carriers by contributing with presentations to the carriers Working Group meetings and participating in carrier awareness sessions held on a regular basis.

Developments in different work streams for the support of carriers (e.g., elaboration of Frequently Asked Questions for carriers, Standard Operational Procedures for carriers, as well as Internal Procedures) continued over the reporting period. The developed FAQs have been published in the eu-LISA web site and are regularly updated.

The cooperation with eu-LISA continued in relation to the coordination of the carrier onboarding and support tool and Frontex has initiated the development of the phone line support for the assistance to be provided to carriers. Frontex has also worked closely with eu-LISA to define the requirements for the travellers' support.

2.1.8. ETIAS website

2.1.8.1. Development of the content for the official ETIAS website

During the reporting period, the Agency continued to work on the development of the website sections that will provide information about the applicants' right to appeal in case their ETIAS application is refused, revoked, or annulled. Frontex held workshops with Member States to support their understanding of the ETIAS Regulation requirements and to ensure the uniform handling of the legal information that will be included on the ETIAS public website.

Eight bilateral meetings with Member States took place during the reporting period, supported by regular email exchange with most of them. As a result, the templates with the information about the national procedures for the appeal against an ETIAS decision are almost complete.

The development of templates for the exercise of data subject rights advanced as well over the reporting period. At the current state of play nine Member States still need to provide input or update their contribution, with the support of their national data protection supervisory authority, while two Member States (Greece, Cyprus) have still not provided any input despite reminders from Frontex.

In addition, Frontex has initiated the drafting of data protection guidelines, which aim to support the data subjects in exercising their data protection rights towards the ETIAS controllers. The activity will continue in the next reporting period by including the information provided by Member States, Europol, and eu-LISA. The guidelines will be consulted with the European Data Protection Supervisor.

Once the website content is finalized, the entire text will be translated into all official languages of the EU, along with the 13 official languages of the countries listed in Annex II to Regulation (EU) 2018/1806 and published by the date of entry into operation.

2.1.8.2. Temporary ETIAS website

In view of the delays with the creation of the overall ETIAS Central System, Frontex finalised the content of a temporary ETIAS website currently hosted by DG HOME. The URL of the temporary website is the final one: https://travel-europe.europa.eu/etias.

The temporary website provides travellers and the general public with basic information about ETIAS, including eligibility criteria, conditions and procedures for applying for a travel

authorisation, the possibility to report abuse, timeline for application decisions and the right of the applicants to appeal.

To pre-empt the rapid emergence of unofficial ETIAS websites - currently over 50 such websites are already operating - Frontex is working with a communications officers' network which includes press officers of Member States, DG HOME, EEAS, the Council, eu-LISA and Europol to raise public awareness of the official ETIAS website across the globe. Two meetings of the ETIAS press officers' network took place during the reporting period.

2.1.9. Training activities

Over the period considered, Frontex carried out four ETIAS training courses for ETIAS National Unit staff (two in November 2022 and two in March 2023), aimed at supporting Member States/Schengen Associated Countries in building their capacity to implement the ETIAS at the external borders.

The target group of the training were the staff members of the ETIAS National Units from 25 EU Member States/Schengen Associated Countries and from Europol. Designed in line with the Sectoral Qualification Framework for Border Guarding, the course was delivered by trainers from ETIAS Central Unit, Europol, eu-LISA, FRA, and Member States.

2.2. Supporting activities

2.2.1. Support to the European Commission

Frontex continued to support the European Commission in the elaboration and development of the Delegated and Implementing Acts by providing contributions. The Agency participated proactively in meetings of the respective fora, i.e.: the Smart Borders Committee, the ETIAS Expert Group and the Working Group for Carriers.

2.2.2. Support to the Member States.

Frontex, in collaboration with the European Commission, and with the support of eu-LISA and Europol, continued organising meetings with the EU Member States and the Schengen Associated Countries. The meetings serve as a platform for sharing knowledge, exchanging best practices, and addressing issues with a particular focus on organisational and operational matters. They aim at ensuring that the ETIAS National Units and ETIAS Central Unit, once in operation, will function in a coherent and efficient way by applying harmonised processes, procedures and practices. During the reporting period the ETIAS Central Unit organised two meetings.

The Agency continued the development activities in the risk screening work stream, including the development of risk screening procedures and the delivery of training sessions on the risk screening capabilities to the ETIAS National Units' representatives. The second and third meeting of the Working Group on Setting up of the ETIAS Screening Board (ESB) took place as well as the second and third meeting of the Working Group on Risk Screening Operations.

During the reporting period Frontex continued the implementation of its forecasting model to assess the impact of disruptive events (e.g., COVID-19 and the war in Ukraine) on the operations of ETIAS and to handle different business scenarios.

In addition, the ETIAS Central Unit worked on the development of a toolkit for operational support to Member States, with the aim of providing a catalogue of services for the benefit of Member States implementing ETIAS obligations. The toolkit will be further enhanced during the next reporting period.

2.2.3. Support to eu-LISA

During the reporting period Frontex continued to support eu-LISA on the:

(i) Participation in governance bodies organised by eu-LISA to oversee and monitor the implementation of ETIAS.
Frontex participated with Representatives in the:

- ETIAS Programme Management Board ('ETIAS PMB'), in accordance with Article 73(4) of the ETIAS Regulation: The ETIAS PMB holds monthly meetings and reports to eu-LISA's Management Board.
- EES-ETIAS Advisory Group ('EES-ETIAS AG'), in accordance with Article 91 of the ETIAS Regulation: EES-ETIAS AG is mandated to follow up on the state of preparations of the Member States and covers the preparation activities of the involved agencies. The EES-ETIAS AG holds monthly meetings and reports after each meeting to the ETIAS PMB.

(ii) Business/User requirements.
During the reporting period, Frontex provided requirements to the concept note for the Traveller Support Tool, which aims at providing support to third country nationals applying for ETIAS in line with the regulatory obligations.
In addition, the Agency actively participated in the weekly meetings organized by eu-LISA on the requirements and processes to be implemented in the ETIAS Central System and continued the review of the draft requirements that will be used by the eu-LISA contractor(s) to technically develop ETIAS.

(iii) ETIAS Data Protection Impact Assessment (DPIA).
During the reporting period, Frontex initiated the review of the second version of the DPIA shared by eu-LISA. The activity will continue in the next reporting period aiming to provide further input.

(iv) Requirements for the carrier onboarding and support tool.
So far the contractor did not supply an offer and the development of the carrier on boarding and support tool has not started and will be procured with another contractor. The cooperation will continue over the next reporting period aiming to align the requirements with the business needs.

(v) ETIAS Central System notifications.
Frontex continued supporting eu-LISA in the development of notifications that will be sent to the ETIAS applicants by the ETIAS Central System. However, the consultations have been suspended due to alignment issues which may require new functionalities within the system.

(vi) Implementation of functionalities in the ETIAS Central System supporting the EDPS and national data protection supervisory authorities' functions.
ETIAS Regulation mandates the creation of repositories per each ETIAS National Unit and the ETIAS Central Unit to upload written documents for review of the EDPS and national data protection supervisory authorities regarding the actions taken on data subjects' requests. As eu-LISA considers the development of such repositories as technically challenging and outside the initial requirements, Frontex initiated discussions and exchanges with the Commission to explore alternative options, identify and implement the optimal solution from both, technical and security perspective. The ultimate scope is to propose a solution

to eu-LISA, for its further assessment and approval. At the same time a demand request has been submitted to eu-LISA, for it to analyse further the missing requirement.

2.2.4. Support to Europol

A workshop has been co-organized by Frontex and Germany with the participation of eu-LISA, Europol, Commission and Member States with the objective to improve the understanding of Europol's procedures related to the queries performed by the ETIAS Central System in the Europol information systems and the ETIAS Watchlist.

3. Governance

The project for the setting up of the ETIAS Central Unit is part of the ETIAS and Interoperability Programme. The latter includes closely related projects or activities: Central Repository for Reporting and Statistics ('CRRS'), Multiple Identity Detector ('MID'), access to Schengen Information System ('A2SIS'), as well as Frontex's activities deployed related to the implementation of the Entry and Exit System (EES) supporting the Member States.

During the reporting period Frontex contributed to the overall governance of the setup of the ETIAS Central System by participating in the EES-ETIAS Advisory Group, the ETIAS Programme Management Board and by attending the eu-LISA Management Board meetings.

4. Budget Execution

The financial year 2022 closed with approximately EUR 450 000 committed for the ETIAS project. The main expenses were related to the external consultancy contract for Programme Management Office (PMO), support in development of the ETIAS Central Unit's Security, Business Continuity and Disaster Recover Plans and meetings with Members States organised by Frontex.

The budget allocated for the ETIAS Project in 2023 amounts to approximately EUR 2,7 million. The majority of the planned expenses are related to the cost of translation of the ETIAS website, PMO support and organisation of meetings.

Furthermore, the Frontex IT Unit is planning to support the development of the ETIAS Central Unit with the following activities: employment of dedicated Helpdesk support contractors, development of ETIAS helpdesk phoneline.

Currently there are no major budgetary risks, which may impact the overall costs to be borne by the general budget of the Union.

5. Major Risks

The following major risks which may impact the overall costs to be borne by the general budget of the Union in accordance with Article 85 of the ETIAS Regulation are identified:

Risk	Description	Management approach
Lack of the Carrier and Traveller Support Tools due to delays in their development by eu-LISA.	The necessary tools for the implementation of the support to Carriers' and Travellers have not been delivered by	The situation has been escalated. eu-LISA is currently looking for a new

	eu-LISA. This may result in a delay in testing and training activities.	contractor to deliver the necessary tools.
Risk of not completing in a timely manner the ETIAS public website by the time of entry into operation of the ETIAS due to lack of input from Member States.	The ETIAS public website shall provide information on the appeals. This activity has to be completed six months before the start of operations and cannot be finalised without the MSs input. At the current state: Some Member States have not adopted the ETIAS related legislation. Consequently, their input to the ETIAS public website is not final and may be subject to amendments, as per the legislation to be adopted. A few Member States have not provided any contribution on their national procedures for appeals and data protection. The lack of publication of this information in the ETIAS public website would constitute a compliance issue.	Frontex regularly raises awareness without any particular effect.