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NOTE

From: General Secretariat of the Council

To: Delegations

Subject: The scope of the study on the Smart Borders Package

Delegations will find attached an information note from the Commission on the scope of the study on the Smart Borders Package.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

Directorate C : Schengen
Unit C3 : Transeuropean Networks for Freedom and Security
and Relations with eu-LISA

Information Note on the scope of the study on the Smart Borders Package

Frontiers Working Party of 27-28 February 2014

1. Introduction

On 4 February 2014 the Coreper/Mixed Committee endorsed the approach for the way forward on the Smart Borders Package set out in document 5828/14. This approach was also presented by the Commission to the LIBE Committee on 23 January.

This approach will consist in a proof of concept which will include a study to be conducted by the Commission and a pilot project to be entrusted to eu-LISA.

The objective of the study is to analyse in depth a limited set of key issues that have emerged during the examination of the package and that are deemed to require further investigation.

The Commission invited experts of Member States as well as representatives of the EP to a meeting on 7 February 2014 to establish the objectives of the study.

The purpose of the present document is update the EP and the Frontiers WP on the key conclusions of this meeting.

2. Meeting of 7 February 2014 to establish the scope of the study

The meeting was attended by MS (representatives and experts), EP (rapporteurs' assistants) and Agencies (eu-LISA, Frontex). It was chaired by Belinda Pyke, DG HOME Director for Schengen.

The meeting was preceded by the following preparatory steps

- The EP provided its input to the study in writing. This document was circulated to all participants;
- 26 Member States filled in the questionnaire drafted by the Commission to gather factual information in the existing systems and infrastructures at national level. The results of this questionnaire were briefly presented at the beginning of the meeting and sent to the Member States after the meeting.

On the basis of slides explaining the proposed scope per thematic area, participants agreed on the scope of the study. All changes were immediately done on-screen to avoid further review rounds. Some Member States requested to widen the scope to issues to be reserved for a policy discussion (such as possible web services for travellers) but it was finally agreed not to deal with them in the study.

On the working method, beyond of what has been described in the COREPER document (5828/14), the Commission presented the team working on the study, informed about a planned mid-term meeting to present provisional study results as well as on the possibility of workshops or videoconferences on specific technical issues, depending also on the needs of the study contractor (most likely Price Waterhouse Coopers). This was well-received.

The following Member States DE, FR, IT, NL, LUX, EE, PT, SE, AT, BE, LT and ES offered their support on specific issues and in particular the use of their infrastructure for the pilot.

Before concluding the meeting, it was recalled that the study will focus on giving practical answers to practical issues, allowing informed decisions to be taken on which issues should be assessed by the pilot which in turn will provide some of the evidence needed for the colegislator to conclude their negotiations.

3. Agreed Scope of the study by thematic areas

In the meeting of 7 February 2014, the following subjects were agreed for the study, divided by thematic areas:

3.1 Biometrics

3.1.1 Biometric identifier for EES

- How many fingerprints are to be used? (separated for enrolment and identification/verification)
- How and when to capture them? Special attention to hand-held equipment
- Synergies with other systems recording biometrics (VIS/RTP)
- Impact of the use of the biometric identifier on the border control process + enrolment time
- Use of facial recognition (multi-modal)
- Facial image/fingerprints possibly captured from the travel document (link to EAC certif exchange)

3.1.2 Biometric identifier for RTP

- Which biometric identifier(s) to be used for RTP?
- How and when to capture and use this/these biometric identifier(s)?
- How to create biometric synergies between VIS, RTP and EES?
- Impact of the use of the biometric identifier(s) on the border control process (ABC gates / manual process)

3.1.3 Impact of a transitional period on the functioning of the systems

- What are the advantages and disadvantages of not having such a transitional period?
- What would be the consequences for the travellers, for the border control process and (possibly) for LEA of a transition process without using the biometric identifier?
- Allow use of biometrics but not mandatory use during certain period (phased approach)

3.2 Impact on Border control processes

3.2.1 Visa holders, visa exempt travellers, residence permits:

- How will the border control process for the different categories of travellers be impacted by the introduction of EES and RTP? Identification of process modification at entry and exit.
- Identification of the impact differences for air, land and sea borders.
- Possibility to manage residence permits in RTP
- Impact on local border traffic

3.2.2 Border processing time at air, land and sea border crossing points / ABC / Manual process:

- Impact of EES on border crossing time for the 1st visit and for the subsequent visits
- Impact of the RTP on border crossing time (ABC and manual process)
- Impact on average border crossing time for TCN at entry and exit
- Impact of the EES/RTP on travellers flows (queues), impact on EU citizens flows and border crossing time
- Impact on border crossing points (organisation, resources)

3.2.3 EES process: 1st border crossing / subsequent border crossings:

- Formalisation of the EES process for the 1st entry (VH/VE)
- Formalisation of the EES process for subsequent border crossings occurring during the data retention period (VH/VE).

3.2.4 RTP enrolment process:

- Formalisation of the RTP enrolment process:
 - VH: RTP status combined with multiple entry visa
 - VE: online application + formal enrolment in combination with 1st entry control process
 - Including impact on Consular Posts / other enrolment centres.
- Formalisation of the RTP member border crossing process (VH/VE).
- Identification of the consultation mechanism.
- Identification of the interactions and dependencies between EES and RTP

3.2.5 Process at exit:

- Formalisation of the EES exit process.
- Formalisation of the RTP member exit process.
- Identification of the process variations at sea, land and air border.
- Automation possibilities (use of ABC gates) for the different types of travellers.

3.2.6 Process accelerators:

- Identification of measures decreasing the average time for border crossing at sea, land and air borders
- Automation options for land borders
- Minimizing the number of documents to be used when crossing a border

3.2.7 Alternative options to the token:

- Feasibility to use a Machine Readable Passport as token
- Identification of other options
- Advantages and disadvantages of the alternative options
- Impact on border control process (manual and automated)
- Impact on the enrolment process

3.3 Data

3.3.1 Privacy by design:

- Identification of the minimum Data set required (and sufficient) to fulfill the EES and RTP objectives while maximising automation
- Advantages and disadvantages of 1 or 2 systems (including safeguards and mitigating actions)
- Identification of the biometric identifier(s) to be used considering the retention period, the size of the database and the objectives of the systems

3.3.2 Data retention period:

- Impact of the duration of the retention period on the
 - Border control process
 - Traveller and/or RTP member
 - System architecture and performance
 - Data protection
 - Law enforcement access
- Extension of duration of the retention period in EES for the RTP members (alignment on the RTP membership duration)

3.3.4 Output of EES/RTP systems:

- Need to provide the traveller with information on the remaining number of days of authorised stay at entry as well as at exit: impact on the infrastructure.
- Need to provide the border guards and possibly carriers with information allowing the identification of Visa Holders with a single entry visa having already used their visa

3.3.3 Law enforcement access:

- Identification of the business case for LEA
- Definition of the data required for LEA
- Impact of the LEA on the border control process
- Possible impact of LEA on the system architecture
- Analysis of statistics concerning LEA in VIS (Visa holders recorded in VIS will also appear in EES)

3.4 Architecture

3.4.1 EES/RTP: 1 or 2 systems?

- Identification the advantages and disadvantages to develop:
- 2 separate systems *or*
- 1 single system covering all EE and RTP functionalities.
- Comparison of the 2 options.

3.4.2 EES/RTP & VIS (compatibility of processes / synergies)

- Comparison of EES/RTP processes and VIS processes. Compatibility analysis. Dependencies.
- Identification of possible/potential synergies and options to implement these synergies
- Analysis of the possibility to fully integrate the systems.
- Common SOA (Service Oriented Architecture) based AFIS.

3.4.3 Interaction with other IT systems / interoperability

- Identification of other IT systems used for the BCP
- Identification of possible/potential interaction between these systems and EES/RTP
- Identification of potential dependencies between systems
- Addition of consultation mechanism between authorities
- Identification the appropriate balance between the system integration and the personal data protection

3.4.4 Existing national systems: re-utilisation / integration

- Analysis of the possibility to re-use or integrate the existing system with EES/RTP including the opportunity of data migration
- Potential need for adaptation of the existing infrastructures

3.5 Cost-analysis of the different options

- Update costs for EES and RTP (central + national)
- Cost analysis of the various options:
 - Changes in architecture
 - Changes of data retention period
 - Biometric identifiers: number of fingerprints, multimodal
 - LEA access
 - ...

3.6 Statistics on border crossing estimates

Update of the initial border crossing estimates for air, sea and land borders

- Collection and analysis of counts of external border crossing travellers performed by Member States during an agreed period of time.
- Analysis of VIS statistics

4. Realisation of the study

The study will be carried out between March and September 2014.

The Member States which have volunteered to participate in the study will be contacted in order to request their contributions and their participation in workshops or video conferences on specific technical issues as required, depending on the needs of the study contractor. Both eu-LISA and FRONTEX will contribute to the study with their expertise.

A mid-term meeting will be convened in May/June with participation of Member States' and EP representatives to present provisional study results.

As recalled in document 5828/14 endorsed by Coreper, a clear emphasis will be put on costs, efficiency and operational practicality, taking into account the need for a high-level of data protection. The expected outcome of the study is a thorough analytical document that will identify a limited subset of the most promising options and solutions. The outcome of the study will be presented to the Member States and the European Parliament and the Commission shall present its recommendations to the Working Party on Frontiers and to the European Parliament in order to determine the choices to be the subject of the pilot project by the end of 2014.

Based on the choices determined, the Commission will prepare the terms of reference for a pilot project aiming at testing and validating the retained technical solutions for RTP and EES. The pilot project will then be implemented from January to December 2015 by eu-LISA.