

Smart borders: EU Entry/Exit System

The Commission has envisaged integrated border management for several years, in response to increased traveller flows and the new security context. The Entry/Exit System proposed aims to set up a database where entry and exit information of third-country travellers is recorded. Following a political agreement with the Council, the Parliament is expected to vote on the texts in October.

Background

In 2013, the Commission presented its [Smart Borders package](#), proposing to establish an Entry/Exit System and a Registered Traveller Programme for third-country nationals travelling to the EU. The overall aim was to make border controls faster, more reliable and interconnected with other [EU information systems](#) in the area of justice and home affairs. However, the proposals did not achieve consensus among the co-legislators, who raised doubts regarding the cost of the initiatives, their technical feasibility and projected benefits. Based on the results of further [technical assessment](#), the Commission presented [new proposals](#) on 6 April 2016.

European Commission proposals

The 2016 package includes a revised proposal for a regulation establishing an [Entry/Exit System](#) (EES) and a proposal for a regulation [amending the Schengen Borders Code](#) as regards the use of the EES. The system would apply to all non-EU nationals, both requiring visas and visa-exempt, travelling to the Schengen area. Instead of manual stamping of passports, the date, time and place of entry and exit, as well as the passenger's biometric data would be stored in a database for five years. Automation would enable calculation of the duration of authorised stay within the Schengen area, help to identify over-stayers and fight document and identity fraud. In addition to border control and consular posts, national law-enforcement authorities and Europol could query the database to identify terrorists, criminals and suspects, as well as victims of serious crimes.

European Parliament position

On 22 February 2017, the Civil Liberties, Justice and Home Affairs Committee (LIBE) adopted reports on the [EES](#) and its [use](#). The committee agreed with the proposal to store a combination of four fingerprints and a facial image of travellers, but considered that data should be kept for only two years. It requested that border management and law enforcement be treated as two separate purposes for data processing in the EES, an issue also raised by the [European Data Protection Supervisor](#). As Member States may establish national facilitation programmes for pre-vetted travellers, the report set out technical provisions to reduce border formalities. On 29 June, the Parliament and Council reached [agreement](#) on the political [issues](#) of the proposals. The data retention period was set at three years, and exceptionally five years when there is no exit data after the expiry of the authorised stay. They agreed on law-enforcement access but not on access for asylum authorities. The possibility of transferring data for law enforcement or return purposes to third countries, and EU Member States not participating in the EES, was kept, under certain conditions.

The agreed text is due to be voted in plenary in October. However, in July 2017 the Court of Justice of the EU [ruled](#) that the agreement to transfer passenger name record (PNR) data between the EU and Canada is incompatible with EU fundamental rights, such as respect for private life and protection of personal data. The Commission [undertook](#) to ensure compliance of data transfers to non-EU countries with the Court's opinion. The EP and Council have both been [assessing](#) the impact of the opinion on the two Smart Borders proposals.

First-reading reports: [2016/106\(COD\)](#) and [2016/0105\(COD\)](#);
Committee responsible: LIBE; Rapporteur: Agustín Díaz De Mera García Consuegra, EPP, Spain. For further information, see our ['EU Legislation in progress briefing'](#).

