



Brussels, 3 May 2016  
(OR. en)

8590/16

LIMITE

ASIM 68  
FRONT 194  
VISA 128  
COSI 72  
COMIX 335

## NOTE

---

From: Presidency  
To: Strategic Committee on Immigration, Frontiers and Asylum/  
Mixed Committee (EU-Iceland/Liechtenstein/Norway/Switzerland)  
Subject: Discussion paper on a European electronic travel authorisation system

---

## Introduction

The increasing mobility of third country nationals, the ongoing migration flows and the terrorist threats have demonstrated the importance of a well-managed migration policy with well-integrated visa and border policy components.

As stated in the Commission Communication (2016) 205 of 6 April 2016 ‘Stronger and Smarter Information Systems for Borders and Security’<sup>1</sup>, for this purpose a solid EU information architecture and better use of the opportunities offered by IT-systems and technologies in the Justice and Home Affairs area is crucial. In its Migration Agenda of 13 May 2015 the Commission called for a well-managed legal migration and visa policy as well as for a more effective border management through the better use of the opportunities offered by IT-systems and technologies. The Council also acknowledged the importance of external border management and the role of data management architecture in this task. The Council Conclusions of 9 and 20 November 2015<sup>2</sup> call for the strengthening of the external borders by implementing immediately the necessary checks at the external border.

---

<sup>1</sup> Doc 7644/16.

<sup>2</sup> Docs 13380/15 and 14406/15.

The Commission Communication gives an overview of existing and possible future information systems and identifies gaps within the EU travelers' data management-architecture. Information systems at EU level such as VIS and SIS provide visa authorities, border guards and police officers with relevant information about the more than 50 million non-EU nationals having crossed the Schengen external borders more than 200 million times in 2015. These information systems were built based on decisions taken in different policy areas, such as law enforcement, migration and visa policy. Border management needs to take into account the needs of these policy areas when addressing the situation of travelers entering the Schengen area.

Different systems cater for different needs and address different types of travelers:

- Information on a visa required traveler before traveling to the EU: VIS, API (air borders), PNR (air borders);
- Information on a visa exempted traveler before traveling to the EU: API (air borders), PNR (air borders), poss. ETIAS;
- Information on a visa required traveler at the Schengen external border: VIS, SIS, SLTD, poss. EES;
- Information on a visa exempted traveler at the EU Schengen external border: SIS, SLTD, poss. EES.

### **Visa policy and EU ETIAS**

Both visa obliged and visa exempt travelers are subject to border controls when entering the Schengen area. Visa exempt travelers still need to comply with the conditions for short term stay: no threat to public order and security, valid travel documents, purpose of the visit and sufficient means for their stay. However, the information which in the case of visa obliged travelers is received beforehand in the visa application procedure can now only be obtained at the Schengen border. This may have an effect on the migration flows towards the Schengen area and on security controls concerning these flows.

The Commission Communication states that an EU Travel Information and Authorisation System (ETIAS) could be considered as a future EU tool. With such a system visa-exempt travelers would register relevant information regarding their intended journey via the internet. This would facilitate the border crossing of these third country nationals and increase the effectiveness of the work for the border guards. As a secondary objective, a system could help Law Enforcement Agencies combatting serious crime and terrorism. The automatic processing of this information could help border guards in their assessment of third-country visitors arriving for a short stay. Although previous studies have been carried out by the Commission, the current context of providing visa liberalisation to an increasing number of third country nationals together with the developments in the area of Smart Borders justifies assessing whether an EU ETIAS is of added value. The Commission intends to launch a study about feasibility, proportionality and structural possibilities of an ETIAS shortly in order to table a proposal before the end of the year.

It is clear that any ETIAS is not an alternative for the tabled Smart Border proposals, as an ETIAS cannot be used to monitor actual border crossings. The possible added value of an ETIAS lies in the information which is given by the traveler when registering before traveling, in the possibility to assess this information and use it for pre-screening, in a possible deterrent effect on *mala fide* travelers and in the facilitation of the border procedures after a traveler has obtained the travel authorisation. Beyond the security and border management benefits, and its potential relevance in the context of visa-reciprocity, a system like ETIAS would therefore also serve as a travel facilitation tool.

## **Australia, US and Canada**

Several Member States have indicated at the JHA Council of 21 April that an ETIAS could have an added value on top of the existing systems. These Member States have also indicated that the possibilities of such a system needs to be examined taking into account on-going developments on other systems and the experiences of third countries already using a form of an ETIAS. Australia established its eVisitor and Electronic Travel Authority (ETA) systems in 1996 for entry available to holders of certain passports. The US Electronic System for Travel Authorisation (ESTA) system was developed in 2007. This is an automated system used to determine the eligibility of visitors to travel to the US under the Visa Waiver Program by the obligation to obtain an approved travel authorisation prior to traveling. The Canada Electronic Travel Authority (eTA) provides authorisation to travel to and enter Canada for short term stays for tourism or business visitor activities. As of 29 September 2016 visa exempt travelers who do not have an eTA cannot board their flight except for US citizens and travelers with a valid Canadian visa.

### **Member States are invited to indicate:**

- a) Whether an EU ETIAS could be of added value in collecting information on third country nationals exempted from visa requirements traveling to the EU in combination with the API and PNR data?
- b) Whether the scope of an EU ETIAS should include all countries listed in Annex II of Council Regulation 539/2001? If not, what should be the scope?
- c) Whether ETIAS should be working separately in an interoperable way with the Entry/Exit System? Or should the ETIAS be a module of the EES? Should ETIAS consult only central systems or also national systems for the travel authorisation?
- d) Who will manage the applications that are not automatically accepted? Should these 'rejected applications' be further processed centrally (e.g. by a Frontex unit?) or in a centralised mode (which Member State is responsible in this case)?