



Council of the
European Union

Brussels, 10 November 2017
(OR. en)

**Interinstitutional File:
2016/0105 (COD)**

14091/17
ADD 1

CODEC 1761
FRONT 459
VISA 418
COMIX 744

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System **(first reading)**
- Adoption of the legislative act
= statements

Statement by the Commission

The Regulation establishing the Entry Exit System is consistent with the Kaliningrad Transit Scheme provided for in Regulation 693/2003^[1] as presently designed.

The Commission will ensure the legislative consistency between these legal acts in the event the Kaliningrad Transit Scheme would be amended in the future.

^[1] Council Regulation (EC) 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual, OJ L99, 17.04.2003, p.8

Statement by Austria

Austria appreciates very much the intense efforts undertaken by the Estonian Presidency to achieve broad consensus among Member States in this important issue.

However, there is still an insufficient access to the system for law enforcement authorities for the identification of offending third-country nationals or other persons. Concerning this problem hopefully a solution will be found within the interoperability.

Also the access of asylum authorities to the entry-exit system would have been favorable in light of effective cooperation between asylum authorities in the Member States. Effective use of systems like the EES – which has been negotiated for a long time with many financial and personnel resources - is indispensable. The access of asylum authorities to the EES for reasons of identification of third country nationals as well as for reasons of process facilitation and returns would have constituted the central additional benefit if the EES.
