Council of the European Union

NOTE

From:	Presidency
To:	Working Party on Frontiers/Mixed Committee (EU-Iceland/Liechtenstein/Norway/Switerland)
Subject:	Implementation of the Entry/Exit System (EES) in the Member States – a summary of Member States' answers to the Presidency's questionnaire

Based on the Presidency paper (WK 8678/2019 'Implementation of the Entry/Exit System in the Member States – questionnaire'), the draft questionnaire and the comments of the Member States at the Frontiers Working Party on 12 September, the Presidency sent the final questionnaire to the delegations on 17 September 2019. The questionnaire asked Member States about their state of readiness for and difficulties in implementing the Entry-Exit Systems. The aim was to facilitate structured, focused and justified discussion in the Council bodies in order to stick to the commonly agreed timetable for launching the operation of the EES in 2021.

26 MS answered the questionnaire. The Presidency would like to express its gratitude to all the MS which took the time to do this.

Readiness	MS1	MS2	MS3	MS4	MS5	MS6	MS7	MS8	MS9	MS10	MS11	MS12	MS13	MS14	MS15	MS16	MS17	MS18	MS19	MS20	MS21	MS22	MS23	MS24	MS25	MS26
National Governance																										
Regulations and Agreements																										
Budget																										
Technology and Infrastructure																										
Operations																										
Fluidity and Facilitation																										
Training																										

Difficulty	MS1	MS2	MS3	MS4	MS5	MS6	MS7	MS8	MS9	MS10	MS11	MS12	MS13	MS14	MS15	MS16	MS17	MS18	MS19	MS20	MS21	MS22	MS23	MS24	MS25	MS26
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Readiness		Difficulty	
1	Not started	1	Major problems predicted which might prevent implemention on time
2	Planning ongoing	2	Problems predicted
3	Planning completed	3	Minor problems
4	Partially implemented	4	Minor problems but there is a realistic plan to overcome them
5	Fully implemented	5	No problem

The Member States considered that **national governance** was the area in which the level of readiness was highest (averaging 3.23 on a scale of 1 to 5). All MS have at least started planning this aspect. Four MS announced that they had fully implemented the national governance system. However, 12 MS announced that there would be problems in implementing national governance. In terms of difficulty, MS felt that there were some difficulties (the average for this was 3.04).

In the written answers it was clear that the MS have very different arrangements for implementing national governance, since it needs to be adapted to their national institutional frameworks. Some MS have been able to form a specific national project governance organisation. Some MS have hired additional expertise for planning and implementation, although there is a lack of available ICT expertise. Some MS have centralised the competences by assigning them to a single ministry, although national governance usually requires greater national coordination and cooperation among ministries and various different agencies. There are a number of challenges in addressing national ownership and overall responsibility. Governance of the EES is often linked to other European ICT systems, such as ETIAS, the VIS and the systems under the interoperability framework, which is of course useful.

When it comes to **national regulations and agreements**, the estimations of the MS appear to vary widely. In terms of readiness, planning of the necessary adjustments to national legislation and other norms is - on average - almost ready (2.80) and only minor problems are anticipated (3.29), but there are considerable differences in the replies.

Some MS envisage major changes to their national legislation, while others have not even started to assess this. Moreover, only a few MS are looking into national facilitation programmes.

As planning of the **budget** is ongoing (2.80), this has turned out to be a challenging issue (2.46). Two MS have not been able to start planning yet and six MS predict that this aspect might endanger the simultaneous implementation of the EES with other MS in accordance with the commonly agreed timetable. Some MS were not even able to provide an answer on this aspect in the questionnaire.

The biggest challenges are that the impact of the interoperability framework is still unclear, the upcoming MFF is under negotiation, and synchronisation with the ongoing funding period is difficult, as it is not yet possible to make all the preparations during the current ISF period. Furthermore, as Article 64 funding does not cover hardware devices and no technical standards and handbooks exist yet, it is difficult to budget in national funds for the procurement of the equipment. Large-scale procurement in a limited time frame within national procurement rules will be a major challenge for the MS. Based on the answers, several MS need more information on EU funding possibilities and further clarification on the costs to be covered by national funding.

It emerges from the evaluation of MS' needs when it comes to developing **technology and infrastructure** that three MS have not started planning yet. Five MS anticipate major problems that may make it impossible to stick to the commonly agreed timetable for the implementation of the EES. Only one MS anticipates that there will be no problem in this regard. On the question of readiness, the replies indicate that planning has mostly started (2.38) and also that problems may occur (2.46).

There are clearly two main specific problems identified by the MS. The first is the question of checking cruise ship passengers. Fixing the legislation - which is somewhat contradictory - would mean amending the EES and/or SBC Regulations. Another major challenge identified by the MS is how to capture biometrics at land border crossing points, in moving trains and, especially, at road border crossing points with multiple car lanes. In order to ensure fluid traffic flows, the MS must have a technical solution to capture facial images while passengers remain inside their vehicles. In this regard, MS are looking to COM and the agencies (eu-LISA and/or Frontex) to provide support and coordination for the development of a reliable standardised technical solution. As regards not only the land borders but also at a broader level, MS are also looking into sharing best practices in terms of developing national software, interfaces, mobile control equipment and physical facilities (infrastructure) at border crossing points to enable the EES to be implemented.

For the development of the business process of the border checks – the actual **operations** – the planning is at a relatively early stage (2.27). Three MS anticipate major problems, and most of the MS consider that problems do exist (2.31).

There are still many open questions on the development of the border check procedures. For example, there is a need to clarify whether API data will be used with the EES. Unified implementation of the procedures must also be ensured if a passenger is seeking international protection.

Similarly, most of the MS are already looking into the **fluidity and facilitation** of border traffic flows (2.35) and have identified this as a challenging issue (2.35). Three MS believe that this aspect might become a stumbling-block during implementation. The MS estimate that the EES will cause a slowdown in traffic, especially in the inception phase. In the beginning, enrolment kiosks and new ABC gates may have a serious impact on the traffic flow. Even in the long run, there are concerns about traffic fluidity because of enrolments at the BCP and because of the reliability of the technology.

When it comes to **training**, the MS are at a very early stage (2.04) but do not anticipate major problems in this area (3.13). The MS have clear expectations, especially with regard to eu-LISA and Frontex. The agencies should develop and deliver training packages to be used by the MS. The training would be aimed at first- and second-line officers, but would also contain modules for visa issuance procedures, law enforcement purposes, migration officers' tasks, and technical support in the MS. The training should provide legal, administrative and process-related knowledge, including different technical systems and special cases involving additional checks in conjunction with different new European information systems.

Some MS spoke openly of their concerns about the commonly agreed timetable. The transitional period will be resource-consuming, and more detailed plans on the going-live phase should be developed soon. A few MS are looking forward sharing experiences and utilising peer-to-peer support.

As a conclusion, MS must ensure the best possible support to eu-LISA and Frontex in terms of implementation. MS should also address the critical open questions as a matter of urgency in order to stick to the commonly agreed timetable.

Delegations are invited to express their views on the need for further follow-up of the implementation of the EES within the Working Party on Frontiers.

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