



Council of the European Union  
General Secretariat

Brussels, 24 February 2025

---

---

**Interinstitutional files:  
2024/0670 (COD)**

---

---

WK 2507/2025 INIT

**LIMITE**

**JAI  
FRONT  
VISA  
FREMP**

**COMIX  
SCHENGEN  
AVIATION  
RELEX  
CODEC**

*This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.*

## **WORKING DOCUMENT**

---

From:	General Secretariat of the Council
To:	Working Party on Frontiers
N° Cion doc.:	14392/24
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing an application for the electronic submission of travel data (“EU Digital Travel application”) and amending Regulations (EU) 2016/399 and (EU) 2018/1726 of the European Parliament and of the Council and Council Regulation (EC) No 2252/2004, as regards the use of digital travel credentials - compilation of comments

---

Delegations will find in the annex the compilation of comments received from Member States on the above-mentioned proposal.

---

WK 2507/2025 INIT

**LIMITE**

**Proposal for a Regulation of the European Parliament and of the Council establishing an application for the electronic submission of travel data (“EU Digital Travel application”) and amending Regulations (EU) 2016/399 and (EU) 2018/1726 of the European Parliament and of the Council and Council Regulation (EC) No 2252/2004, as regards the use of digital travel credentials**

**Written comments submitted by the Member States**

<b>CROATIA</b> .....	2
<b>CZECH REPUBLIC</b> .....	4
<b>DENMARK</b> .....	5
<b>ESTONIA</b> .....	6
<b>FRANCE</b> .....	8
<b>HUNGARY</b> .....	9
<b>ROMANIA</b> .....	10

## CROATIA

**Title of the Regulation:** "Regulation establishing an application for the electronic submission of travel data..." - However, Article 1 defines the subject matter of the Regulation much more broadly, as it regulates both the production of travel credentials based on this Regulation, but also on the basis of the Regulation on their issuance based on identity cards, as set out in Article 2, point (31) of the SBC. We are of the opinion that the title of the Regulation should also refer to the issuance of digital travel credentials based on travel documents and to the introduction of the application referred to in the title.

**Article 2, point (d)** – The provision contains a link to Article 5, should the link be to that article, or should it refer to Article 6?

We also believe that the Article should also contain a definition of a digital travel credential, with a reference to Article 2, point 31 of the SBC.

**Article 3, point (b)** – The structure of the EU Digital Travel Application refers to the “backend validation service”, which is under the competence of eu-LISA (Article 7(3)). Recital (7) states that the **backend validation service**, by comparing the facial image stored on the travel document chip with the user’s facial image in person, verifies the integrity and authenticity of the travel document, **which is done before the digital travel credential is issued**. Does this mean that a person requesting a digital travel document will have to come in person to the place where the application for a digital travel credential is received, where the user will be verified in person for the purposes of the digital travel credential? In general, the entire procedure for issuing a digital travel credential seems a bit confusing: when a person applies for an identity card, they are issued a digital travel credential in addition to the identity card, at the request of that person (doc. 4389/24).

However, in accordance with Article 2(3) of the Regulation on the Issuance of Digital Travel Credentials, the possibility of creating a digital travel credential remotely is provided.

It is necessary to precisely define how and when a digital backend validation service is used.

[p. 4: *digital travel credential (DTC), is essentially a replica of the personal data (excluding fingerprints) held on the chip of a travel document, and it can be stored securely – for example on a mobile phone – either for a single interaction or multiple usage.*]

**Article 4(4)** – Regulates that third-country nationals (TCNs) may *use the EU Digital Travel application to create a digital travel credential*. Who is responsible for creating a digital travel credential for TCNs? (e.g. a digital travel credential in addition to an ID card, is issued to an EU citizen by a Member State in addition to an ID card).

**Article 7(4)** – It is specified which personal data of passengers are stored in the backend validation service and in the passenger data router. Is it necessary to define the period for which these data may be stored? [Is this in line with what is stated in Part 3, which refers to the impact assessment on fundamental rights, where it is stated that the Proposal would not store digital travel credentials in a central location (p. 13) and they must be deleted from local databases after the border control has been carried out.]

**Addition:** *During the WP Frontiers meeting on 4 February 2025, the Commission explained that there is no storage of data at all and that data is only transferred within the fraction of a millisecond. If that is truly the case, then it would be necessary to amend the wording of this Article to indicate that no storage of data of any kind is taking place.*

**Article 11(2)** – It defines the costs related to development, operation and maintenance to be borne by the Member State. In Part 4, it is estimated that these costs will amount to approximately 2 million EUR per Member State, and these costs would relate to increasing the capacity of servers and temporary storage, developing a secure connection and upgrading or purchasing hardware for processing digital travel credentials and supporting facial recognition, as well as training staff (pp. 13/14). It is understandable that this is only a rough estimate, because for a more precise estimate it is necessary to make a calculation based on the number of border crossing points and the number of workplaces at these border crossing points (in order to estimate the costs of purchasing hardware and building secure connections to them), the number of staff (training costs), etc., so that, depending on this, the costs that each Member State will have to cover will also vary greatly. Therefore, a much better estimate would be the indicative costs per workplace, rather than a flat-rate estimate per Member State.

Member States will also incur costs related to the issuance of digital travel credentials, which are issued free of charge to persons who request them (Article 12), and these costs are not included in this assessment.

We are interested in whether a cost-benefit analysis has been carried out, because even according to this rough estimate, this amounts to a total investment of approximately 107.5 million EUR, and experience shows that such a framework sum is often significantly higher.

We are also of the opinion that it should be considered that the costs of Member States related to development, operation and maintenance in the Member States should also be financed from EU funds, because the benefits of a significant investment aimed at accelerating traffic flows, especially in freight transport, will be of great importance for the entire EU/Schengen area - this will also speed up supply chains. Member States would independently finance the costs related to the issuance of digital travel credentials.

**Article 13(1)** – Points 33 and 34 are added to the SBC in Article 2. Given that we are talking about the definition of two terms related to border checks, we are of the opinion that it would be a much better solution to add these points to the SBC as points 11.a and 11.b, i.e. immediately after the definition of the term "border check" in point 11.

**Article 13(2)** – Paragraph 2.g stipulates that data received in advance may be compared at the border crossing point with the data in the physical travel document or in the digital travel document. This is not in line with paragraph 2.e of the SBC, which stipulates that data received in advance at the border crossing point are compared with the data in the travel document. Therefore, the provision is mandatory and in contradiction with provision 2.g. We also believe that it would be good for the provision to determine how far in advance the data can be submitted.

**Article 13(2)** – In paragraph 3.a, in the second subparagraph, it is stated: "Where those **checks** are carried out in advance...", however, for third country nationals, the term "advance clearance" is used, so perhaps it would be better to use the term: "Where those **examinations** are carried out in advance...".

We are also of the opinion that the identity check at the border should also be mandatory in this case, i.e. a comparison of the live facial image and the facial image in the physical passport or in the digital travel credential should be carried out, regardless of whether it is carried out automatically or manually. At the same time, it should also be determined how far in advance the data can be submitted.

## CZECH REPUBLIC

- **MS's Capacity and Operational Demands:** It is essential to emphasize that our national authorities are already facing significant pressure due to the implementation of the EES and interoperability. Therefore, it is crucial to introduce any new tasks in a way that does not exceed the capacities of the Member States.
- **Adherence to the timelines of the Interoperability projects:** During the last meeting, the European Commission stated that the DTC implementation schedule was coordinated in collaboration with eu-LISA and it will not negatively affect the timelines of the interoperability projects. Does the DTC timeline take into account the current status of the EES implementation and interoperability components?
- We align with the position frequently voiced by many Member States during the last meeting — it is crucial to ensure the fullest possible **use of EU funds** for financing. Further clarification of the budgetary implications for Member States is necessary. We welcome the cost breakdown mentioned by the European Commission. The budgetary implications for Member States need to be further clarified.
- **Clarify the processes of border checks in relation to the concept of advance border checks and advance clearance:** The verification of data from DTC in IT systems in advance (up to 36 hours) of crossing the external borders presents challenges. During this time frame, an alert into the SIS (e.g., an EAW or a search for a missing child) may be recorded for an EU citizen or a TCN. If the verification in systems and databases is not repeated at the time of the border check, the passenger may be allowed entry without further measures. It is therefore unclear who will bear responsibility for not addressing the alert in the systems. This raises the question of whether accelerating the border checks process will come at the expense of security. PL highlighted this issue during the WP Frontiers meeting in November 2024, and CZ would like to support it.
- We support the integration of EES, ETIAS, and DTC into a **single application**.
- **Clarification of the issuer** of the DTC. The proposed regulation should clearly state who issues the DTC:
  - 1) **For MS/SAC citizens**
  - 2) **For TCNs without a MS/SAC residence permit:**  
e.g. Is the Member State of the intended stay responsible, or is it the Member State of first entry?
- **First vs. subsequent visits for TCNs without residence permits:**  
Will there be any procedural differences between the first and subsequent visits regarding the DTC?
- **Ensure a realistic implementation timeline:** The proposed 12-month period for implementing certain provisions from the entry into force of technical specifications seems insufficient in the event that changes to the national system for issuing travel and ID documents are ultimately necessary. Although the European Commission has explained the intention behind this provision, we believe that more time is needed to accommodate the practical and operational complexities involved.

## DENMARK

It is stated in article 8(4) that “*eu-LISA shall ensure that the EU Digital Travel application is interoperable with the European Digital Identity Wallet*”. We support that eu-LISA should ensure interoperability between the application and the wallet, but we would like some more information on what is meant by the interoperability – how are the two supposed to be interoperable?

Regarding article 13 on amendments to the Schengen Borders Code: in the amendments for article 8 on border checks, the proposal distinguishes between before and after start of operations of the application. How are the checks supposed to be carried out in advance before the start of operations of the app and how are the border authorities supposed to receive this information, when the app is not in use yet? Is this only meant as a way for Member states to carry on with for example already existing pilot projects on DTC? We want to ensure that Member States are not obligated to develop a national platform for the use of DTC until the EU app is ready.

We also have some concerns regarding the implementing acts, especially with the technical specifications, as we think that there is generally a lack of information in the regulation on structure of the app and the responsibility of the Member States. For example the different components are described in article 3, and article 6 describes the transmission of travel data through the Traveller Router. Article 9 describes the responsibility of the Member States. However, these articles provides us with very little information on the scope and structure of the components or the synergy with the Member States’ systems. In other regulations regarding systems used for border control, such as the Entry-Exit regulation and the ETIAS regulation, there are detailed descriptions on the architecture of the systems and specifications on, for instance, the National Uniform Interface.

Although we agree that some questions of a technical nature are better left to technical experts in implementing acts, we would appreciate if the Commission could provide information on whether these details regarding scope and structures are intended for the implementing act on technical specifications? We are still at an early stage but we do have some concerns that too much is left out of the actual regulation and referred to the implementing act. An overview of what is intended for regulation in the implementing act on technical specifications would help provide some clarity on this issue.

In regards to the timeframe for start of operations of the application, we would like to know whether it is possible to have some input from DG CONNECT on the timeframe and how the timeframe for the Digital Identity Wallet correlates with eu-LISA’s timeframe for the Digital Travel application.

We look forward to receive your comments on the above and for a reading of the articles during the next Frontiers Working Party.

## ESTONIA

1. We support digitalisation of travel documents to facilitate travel and free movement. It is important that the regulation for that ensures as precise technical specifications as possible and interoperability with the border systems of member states and with the EU digital identity wallet.

2. The proposed regulation has significant impact on the resources and budget of member states. We find that costs associated with implementing this proposal will be higher than estimated. Our experts see following costs in addition to the ones described in the proposals:

- development and maintenance of national applications for issuing, creating and saving digital travel credentials (DTC)
- development and maintenance of solutions for remote biometric identification and integration it with national DTC application
- developments to ensure IO of DTC with Digital Identity Wallet
- adjustment and development of other national systems (database of identity documents, personalisation system, e-application solution etc.).
- adjustment and development of national border systems and border crossing points for authentication and validation of DTC (gateway, SPOC, ABC-gates, manual workstations etc) for national solutions
- costs for maintenance of the secure connection to the EU traveler router.

Thereof it is very important that financial resources will be allocated from the EU budget to support fulfillment of obligations arising from the proposal as it was decided for implementation of EES and ETIAS. We consider that financial support to member states enables uniform and timely implementation and thus ensures the fulfillment of the proposal's goals.

3. We find that until the implementation of the EU digital travel application and traveler router, the issuing of DTC should be voluntary for the member states. Member states should not be obliged to create their own applications for issuing DTC when there will be EU central solution for that. It might not be reasonable for member state to invest in implementation of national applications and when after a while invest to implementation of EU application with the same functionalities.

4. We would like to repeat our proposal to consider future possibilities of using the DTC wider than EU borders, including for example the possibility of using the digital travel document to return to the EU if a person loses the travel document or it is stolen. The regulation should leave the door open to such a possibility.

We also would like to have more clarity in following subjects:

- Proposal involves also third-country nationals, who are in possession of a travel document containing a storage medium. Does it consider that according to the Decision No 1105/2011/EU of the European Parliament and of the Council not all third-country travel documents are recognized travel documents?

- According to the proposal digital travel documents shall be to the nationals of member states free of charge. Does the creation of TDC will be free of charge also to third-country nationals considering the burden to the EU budget for developing and maintenance of EU DigitalTravel application?
- We would like to have better understanding how proposed regulations will apply to the third-country nationals. A travel document issued in accordance with Regulation (EC) No 2252/2004 could be also Alien's Passport issued by the member state to the third country nationals. Does it mean, that they are subject to apply for a TDC with the passport application?
- Holders of valid travel documents should be able to create a digital travel credential based on their existing physical travel document. The digital travel credentials should also be storable in the European Digital Identity Wallet, but regulation 910/2014/EU does not provide a solution for the storage of attributes in digital identity wallet by the end user. Is there a contradiction ?

## FRANCE

Les autorités françaises remercient la Commission pour l'ensemble des éléments d'éclairage apportés en groupe Frontières du 4 février 2025. A cet égard, elles ont également noté sa réponse quant à leur demande de réorganisation du paquet législatif, dont nous prenons acte. Nous continuerons néanmoins à insister sur une meilleure lisibilité des deux textes et de leur articulation, affectant globalement leur sécurité juridique. Au cours des échanges qui viseront à élaborer le mandat du Conseil, les autorités françaises proposeront ainsi des amendements ciblés en ce sens.

L'un des points centraux sera, comme exprimé en groupe, de tenir pleinement compte des enjeux métier et opérationnels de l'utilisation des DTC à des fins de franchissement des frontières, au regard de toutes les implications à prévoir sur les possibilités de vérifications octroyées en amont aux garde-frontières ou des évolutions des parcours voyageurs et des infrastructures frontalières. Ainsi, un travail de réflexion devra également être mené eu égard à la portée des pouvoirs d'exécution de la Commission et aux comités désignés pour élaborer les différents actes d'exécution.

Par ailleurs, la Commission peut-elle confirmer le fait que l'article 6§1, point a) du code frontières Schengen, qui précise que le ressortissant de pays tiers doit être en possession d'un document de voyage en cours de validité, constitue bien une garantie suffisante pour que la détention d'un document de voyage physique reste indispensable pour autoriser, le cas échéant, à son titulaire à franchir la frontière ?

Enfin, un autre enjeu central sera de préciser si les DTC sont destinés à être utilisés aux fins de justification de l'identité en dehors du cas d'usage « franchissement de frontières » et si la perspective de leur insertion dans le portefeuille numérique européen (wallet), qui sera mis en place en 2026 en application du règlement eIDAS 2, vise à en faire un justificatif d'identité pérenne.

En tout état de cause, les autorités françaises souhaiteraient d'ores et déjà exprimer leur soutien aux Etats membres appelant à une estimation à la fois plus fine et exhaustive de l'ensemble des coûts générés pour ces derniers et à la mobilisation des fonds UE pour les supporter, au moins en partie.

Sur la protection des données personnelles, si nous avons pris bonne note des explications de la Commission qu'elle a réitérées en groupe Frontières du 4 février dernier sur l'absence de création de règles supplémentaires dans le contexte du contrôle frontière [cf. RGPD et législation nationale], nous aimerions insister sur nos points de préoccupation qui n'ont pas trouvé de réponses entièrement satisfaisantes à ce stade.

A notre sens, la proposition législative sur la table devrait contenir des dispositions établissant des liens beaucoup plus clairs avec les obligations fixées par le RGPD : certains mécanismes de recueil du consentement de l'utilisateur nous semblent manquants à plusieurs reprises, de même que le principe de limitation des finalités de traitement des données à caractère personnel (article 5 du RGPD) ne nous paraît pas satisfait. Par ailleurs, au vu de la dispersion des données traitées, il conviendrait de s'interroger sur l'intégration dans le corps du texte de dispositions sur la cybersécurité.

## HUNGARY

### General remarks

- In principle, we welcome the initiative of the proposal and we are committed to being constructive and cooperative during the negotiations of both proposals related to the digitalisation of travel documents;
- In principle, we welcome the initiative, as we consider it important to promote passenger comfort and innovative travel facilitation through digital means, given the increasing passenger traffic in the Schengen area;
- On a horizontal basis, it is of the utmost importance to us that the future regulation in force does not impose any extra financial burden on Member States;

### Specific remarks

- In *Article 2 (Definitions)* we consider it necessary to have clear definitions on ‘*digital travel credentials*’ and ‘*EU Digital Travel Application*’. We also request a broader clarification on the definition of ‘*Traveller Router*’ (draft Article 2(d)), as there is no precise definition of this term in the definition or in the referenced article.
- We cannot agree with the part of *Article 11(2)* on costs, which states that the costs incurred by Member States in developing, operating and maintaining a secure data connection shall be borne by the Member States. This part should be improved so that Member States have adequate resources to achieve this objective with the help and use of EU funds;
- As the Commission indicated at the meeting, we would welcome some possible guidelines in the future for the national adequate trainings required by the proposal (*e.g. Article 9. point 2.*)

## ROMANIA

RO took note of and welcomed the presentations made by the HR, NL and FI delegations, as well as the Commission's extensive clarifications on the questions raised by MS.

RO understands the process envisaged by the proposal and the feasibility for implementing the DTC in border control procedures at the air border, however we consider that the specific characteristics (particularities) of land and maritime border crossing points require different setups in terms of infrastructure, passenger flow, and modalities of crossing the border (e.g., in groups, by car, by bus etc.) These aspects entail significant changes that need to be properly addressed.

In addition to the need to develop, operate and maintain a secure connection to the Traveller Router, MS would also have to adjust their infrastructure at all BCPs (air, maritime, land), by integrating automated control systems. Therefore, in RO's opinion, similar to other MS, those costs should be explicitly foreseen in the proposal and covered by the Union budget.

Furthermore, RO is concerned about the scenario in which a person who has already been subject to *advance border check* or *advance clearance* is subsequently subject to an alert.

Also, in line with AT, RO would appreciate a graphical illustration of the workflow for a better understanding of the future practical tasks of the border guards related to the application of DTC.

---