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WORKING DOCUMENT

From:	Presidency
To:	JHA Counsellors (Visa, Frontiers, Schengen)
Subject:	JHA Counsellors (Frontiers) meeting on 17 March 2026 - Presidency flash

Delegations will find attached the Presidency flash for the meeting of the JHA Counsellors (Frontiers) on 17 March 2026.

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EU Digital Travel Application –

JHA Counsellors meeting on 17 March 2026

The Presidency wishes to inform delegations of the current progress on the proposed Regulation on an EU Digital Travel application. Over the course of five Interinstitutional Technical Meetings (ITM) since the beginning of the year, the Presidency and the European Parliament have examined fully the operative part of their respective mandates.

I. Draft compromise wording on Articles 3a-3d of the proposal

A first drafting session on 11 March discussed a draft compromise wording on Articles 3a-3d. **The result has been issued as doc. WK 4049/26 and the Presidency would welcome delegations' input on the compromise texts, in view of a possible preliminary agreement at the political trilogue on 24 March**.

II. Views of delegations on key areas of compromise

At a bilateral meeting, the Presidency team indicated its key priorities in the proposal, namely:

a) Integration of the EU DTA with other IT systems (EES, ETIAS, VIS and the EU Digital Identity Wallets)
b) Consultation of databases at the border crossing point when crossing the external borders (line 141 and 146)
c) Funding (line 111)
d) Retention period of 24 hours after the traveller has crossed the external border (line 91b)
e) Possibility for Member States to introduce age limits for minors for preliminary border checks (line 159)
f) Gradual start of operations, including separate dates for air, sea and land borders (line 185)
g) 'May clause' regarding the possibility for Member States to issue a DTC upon request from the applicant when issuing a passport or travel document (line 115)
h) Identification (line 91d)
i) Joint controllership between eu-LISA and Member States for the processing of personal data in the backend validation service (line 88b)

It is the Presidency's assessment that, if the Council moves towards the Parliament's position on four key items, the European Parliament will show flexibility on the remaining priorities for the Council. The key four items for the European Parliament are:

a) Redrafting of line 91c in order to exclude a not to refer to a comparison against a 'gallery' of facial images for the purpose of verification of identity
b) Removal of the possibility of using facial images to conduct the database searches as referred to in the Council´s mandate (lines 91d, 141 and 146)
c) Removal/redrafting of 'effective and proportionate technical measures' (lines 152-155d) to clarify that the use of technical solutions would be conducted under the supervision of border guards
d) Age limitation for the creation of a DTC (lines 63, 71 and 74a)
e) Obligation for Member States' authorities to accompany upon request both newly issued and existing passports or travel documents by a DTC (line 115)

In order to explore areas where compromises can be made, the Presidency would like to seek the possible flexibility of delegations at the JHA Counsellors meeting on these key four items for the European Parliament:

a) Redrafting of line 91c in order to exclude a comparison against a 'gallery' of facial images for the purpose of verification of identity

Line 91c of the Council mandate states that for the purpose of verification of the traveller's identity at the external borders, the competent authorities shall be able to compare the live biometric data of the traveller with the biometric data previously submitted by the traveller as part of the travel data and the EES pre-enrolment data, in accordance with Union and national law. This means establishing in practice a temporary 'gallery' of facial images of travellers who have submitted DTCs for the purpose of verification of identity. The live image of the traveller at the external border would be compared against these other facial images in the temporary 'gallery' (which, according to the European Parliament, would amount to a 'one-to-many' verification).

The European Parliament is concerned that this would lead to the collection of large amounts of biometric data which cannot be balanced against the objective of carrying out faster border checks. The Parliament is moreover concerned that this could lead to security risks in case of a data breach and that it would impose a considerable financial burden on Member States.

Would you be able to consider a redrafting of line 91c so that the comparison of the live facial image of the traveller is not made against a 'gallery' of facial images submitted by travellers as part of the travel data? The Presidency would like to invite Delegations to put forward technical alternatives based on 'one-to-one' solutions.

b) Removal of the possibility of using facial images to conduct the database searches as referred to in the Council´s mandate (lines 91d, 141 and 146)

The Council mandate includes the possibility for authorities to **conduct database searches using the facial image** submitted by travellers as part of travel data and EES pre-enrolment data. The Council´s intention is to allow security checks in databases like SIS and Interpol's Stolen and Lost Travel Documents (SLTD) database. This constitutes a one-to-many check insofar as a database search against multiple sets of data will take place using the facial image. For the EP, such searches constitute a breach of privacy and a risk in terms of data protection.

In the spirit of compromise, would you be able to accept removing in this Regulation the possibility of using facial images to conduct the database searches as referred to in the Council´s mandate in lines 91d, 141 and 146?

c) Removal/redrafting of 'effective and proportionate technical measures' (lines 152-155d) to clarify that the use of technical solutions would be conducted under the supervision of border guards

The Commission's proposal introduces in Article 8a of the Schengen Borders Code a new alternative to paragraph 4 point (b)(ii). In line 153, it refers to **'effective and proportionate technical measures'** as an alternative means to carry out verification. This new paragraph 4a refers to the use of self-service systems for pre-enrolling data in the EES, and therefore has a wider scope than the use of the Digital Travel Application. The Commission confirmed that this could include e.g. fisheye solutions performing the verifications in line with Article 8a, paragraph 4 point (b)(ii) of the Schengen Border Code. For the Parliament, the use of technical solutions like the fisheye would be acceptable as long as they are monitored by border guards and do not rely solely on artificial intelligence.

In the spirit of compromise, would you be willing to accept the removal/redrafting of the proposed new paragraph 4a in the Schengen Borders Code (lines 152-155d) from this Regulation in order to make clear that such technical solutions may only be used as long as they are monitored by a border guard? This would not preclude including a similar provision in the upcoming revision of the Schengen Border Code.

d) Age limitation for the creation of a DTC (lines 63, 71 and 74a)

The EP's mandate has introduced an age limitation of 16 years old for the creation of a DTC that would apply at EU level, both for persons enjoying the right of free movement under Union law and for third country nationals. The EP has coupled this with a provision empowering the Commission to adopt delegated acts in to amend the minimum age provided that the *'necessary technical requirements and any other relevant conditions for granting digital travel credentials to persons under the age of 16, in particular as regards the facial image, are met'*. The Council's mandate does not have such an age limitation for the creation of a DTC.

In the spirit of compromise, would you be able to accept an age limit lower than 16 years for the creation of a DTC, therefore harmonising it at EU level?

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Alternatively, would you be able to accept an age limit at EU level only for the purpose of carrying out preliminary border checks? In line with the Council's mandate, this would allow minors to create a DTC and use them for purposes other than carrying out preliminary border checks, i.e. VIS, ETIAS or EES.

In both cases, this could be combined with the Council's mandate in line 58r regarding the electronic signature by a person exercising permanent or temporary parental authority or legal guardianship, as well as the possibility for Member States to introduce higher age limits for minors for preliminary border checks in their national law.

e) Obligation for Member States' authorities to accompany upon request both newly issued and existing passports or travel documents by a DTC (line 115)

The Commission's proposal foresees the obligation ('shall' clause) for Member State authorities, at the request from the applicant, to **accompany passports and travel documents issued by Member States by a digital travel credential**. This is also the position retained in the EP's mandate with the intention to improve accessibility of the DTA and its proliferation. The Council's mandate has introduced instead a 'may' clause giving Member State authorities the possibility to issue a digital travel credential to their own nationals when requested by an applicant or a holder of a passport or travel document. Both the Council and the EP have clarified in their respective mandates that this possibility/obligation is not limited to newly issued passports or travel documents but it may also be extended to existing passports or travel documents.

Would you be able to accept the Parliament´s position, i.e. a 'shall' clause in relation to both newly issued and existing passports or travel documents?

In the spirit of compromise and to maintain the 'may' clause, could you consider the possibility to introduce an obligation for Member States to provide assistance for users needing support for the creation of a DTC using the EU Digital Travel application?

Please send your written comments by 18 March 2026 cob to the following email addresses: [redacted]