

Legislative requirements for carrier consultation of EU Large-scale IT systems and future perspectives

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Three sources of exchanges of passenger information with air carriers

1. API data – the "API directive"

- Follows the "API directive"
- In practice, air carriers send passenger lists to MS authority on extra-EU inbound flights

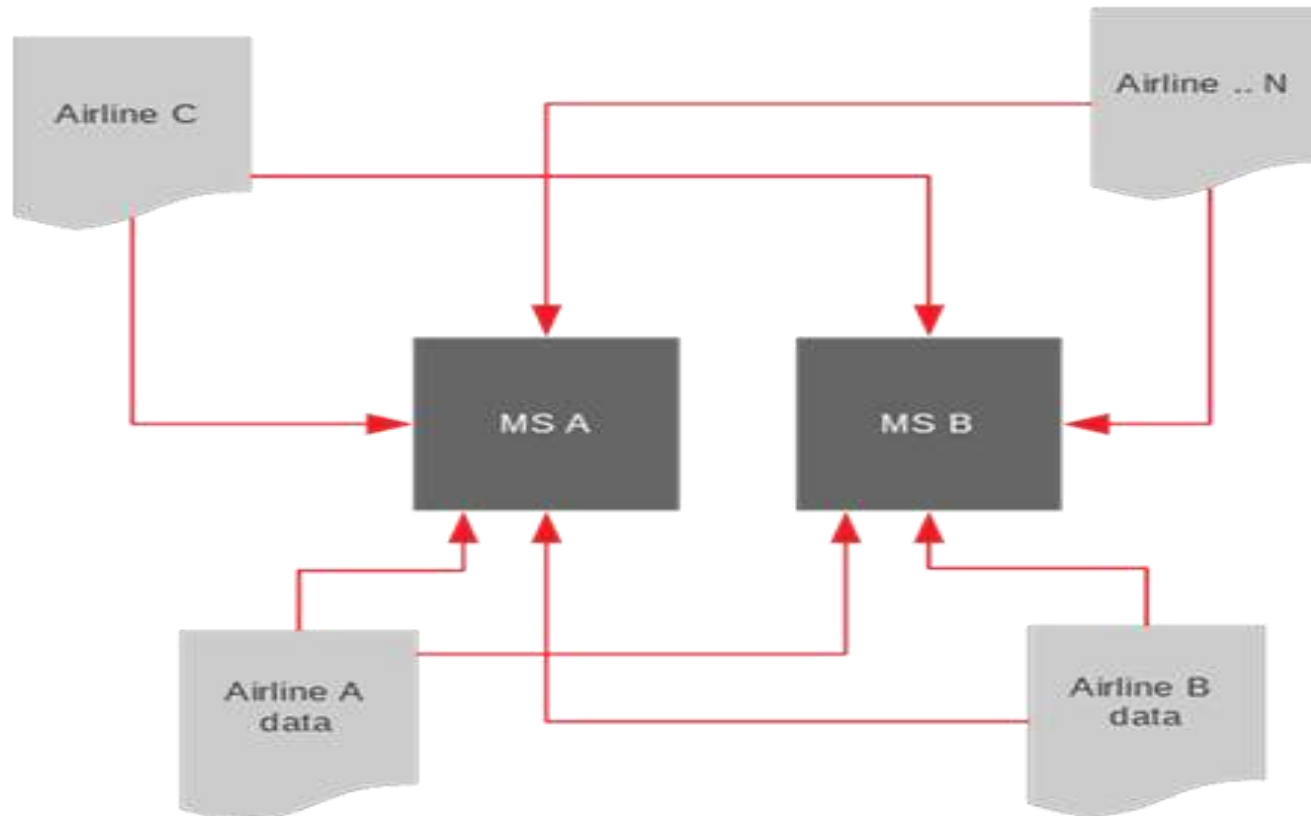
2. PNR data – the "PNR directive"

- EU-PNR Directive 2016/681 + transposition
- In practice, air carriers send PNR data of passengers to MS authorities on extra-EU inbound and intra-EU flights

3. Queries to comply with 'Smart Borders' - **NEW**

- Compulsory query of an extract of EES/ETIAS

Each airline/carrier needs to transmit to *each* MS, both PNR and API data (*flows mentioned under points 1&2 on previous slide*)



'Smart Borders' package – quick overview

Smart Borders?

Third Country Nationals only.

Enforcement of current Schengen Borders Code rules.

Border control.

Package?

Entry/Exit System (EES) and European Travel Information and Authorisation System (ETIAS).

Expected launch of operation: EES end of 2020 and ETIAS in 2021.

EES

- System to register entries and exits of all Third Country Nationals(TCN) to and from the Schengen area.
- Stamps replaced with electronic registration.
- **Scope of application of EES**
 - Entries and exits for a short stay ("90/180 days" rule);
 - Visa-exempt + visa-required TCNs;
 - No registration of EU citizens and residence card/permit holders.
- **Objectives**
 - Improve quality and efficiency of border controls;
 - Systematically identify overstayers;
 - Reinforce internal security and fight against terrorism.

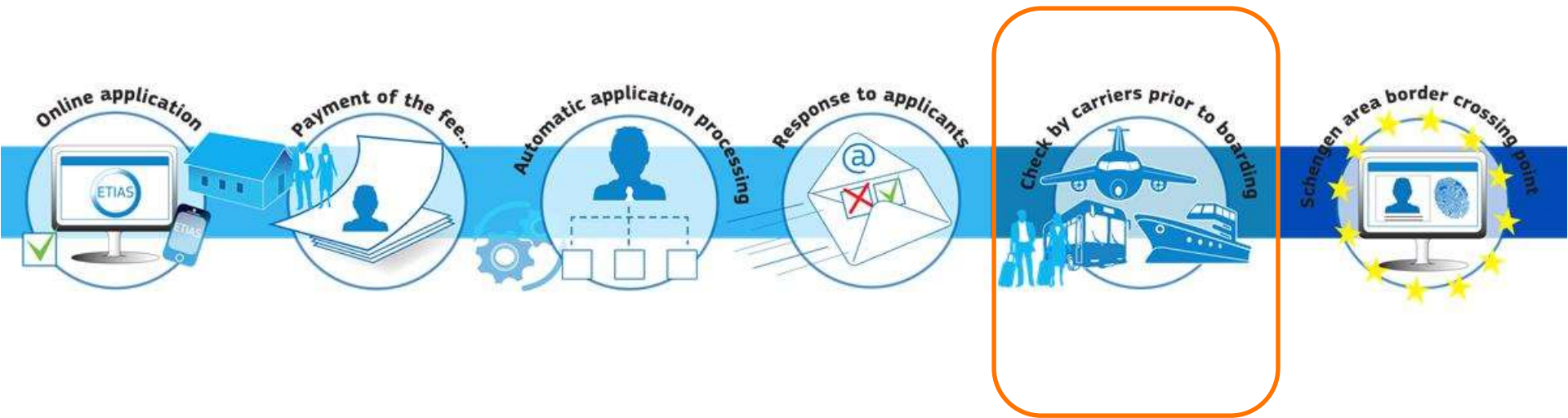
ETIAS

- System to gather information and identify migration, security or health risks associated with a visa-exempt visitor travelling to the Schengen Area.
- **Scope of application of ETIAS**
 - Visa-exempt third country nationals
- **Objectives**
 - Determine security and migration risks;
 - Less refusals of entry at the border;
 - Pre-assess and inform travellers whether they are admissible to enter the Schengen Area.



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ETIAS process introduces a check of ETIAS status



Smart Borders and air carriers – current obligations

Article 26 of the Convention Implementing the Schengen Agreement:

- Carriers that bring travellers who are refused entry are obliged immediately to assume responsibility for them again and return them.
- Carriers are obliged to take all the necessary measures to ensure that travellers are in possession of the travel documents required for entry.
- Check whether the single entry or the double-entry visas is still valid.

Smart Borders and air carriers

- what will change

- **General obligations and liability (CISA) will not change:**
 - If traveller is refused entry at the borders → return trip at carrier's expense.
 - If traveller is transported "without the necessary travel document" → penalty will be imposed.
- **However, ETIAS amends Schengen Borders Code and adds new obligation to third country nationals subject to the travel authorisation requirement: being in possession of a valid travel authorisation for entering the Schengen area.**

Smart Borders and air carriers - implications

EES:

- Visas are no longer stamped at entry.
- Impossibility to check from the visa sticker if a single or double entry visa was 'consumed' or is still valid.

ETIAS:

- Carriers will have to check that their passengers have a valid ETIAS travel authorisation before allowing them to board. Transit passengers not subject to the obligation to have a travel authorisation.

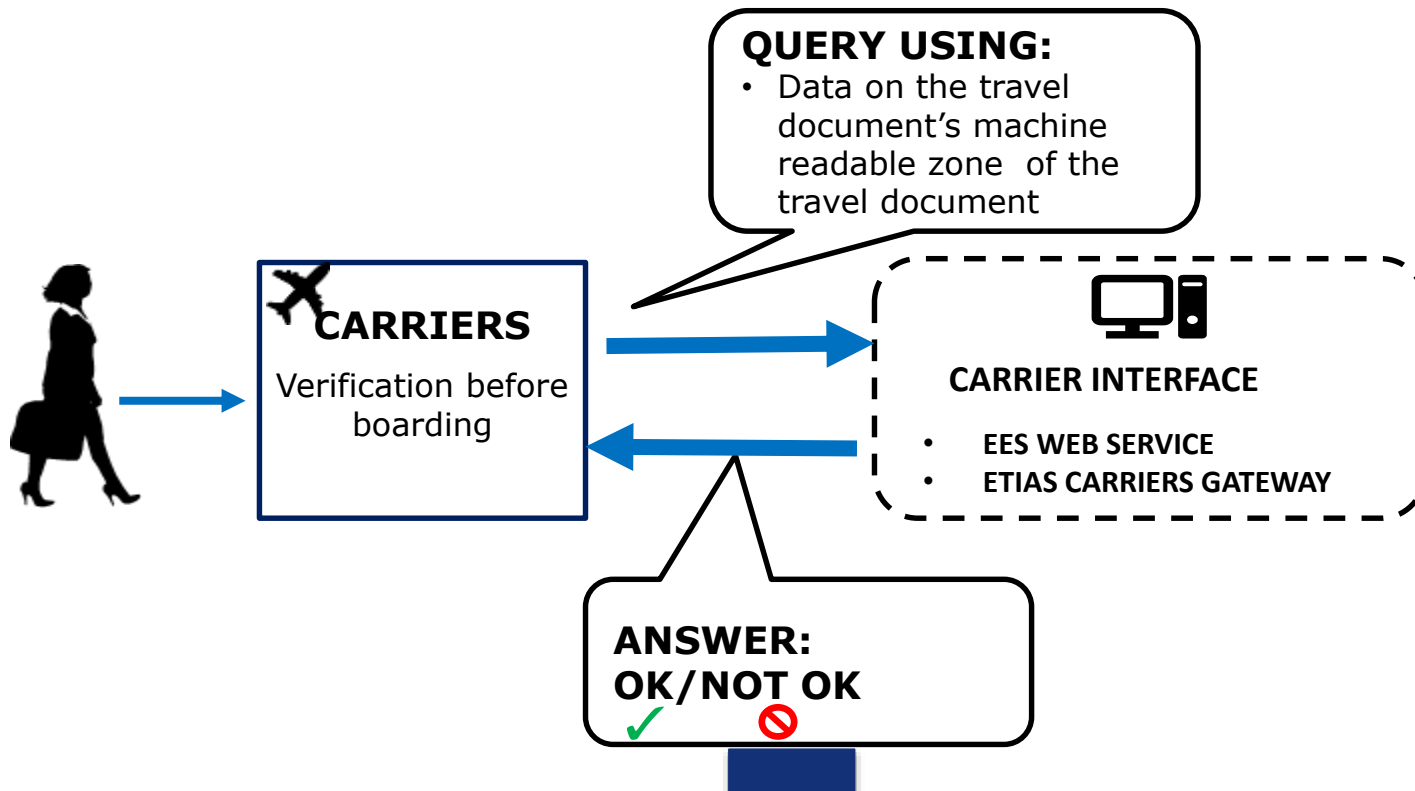
→ Carriers will need to use a "web service" to query both the EES and ETIAS.

→ Less refusals of entry as via a web service travellers will also be able to check the remaining authorised period of stay.

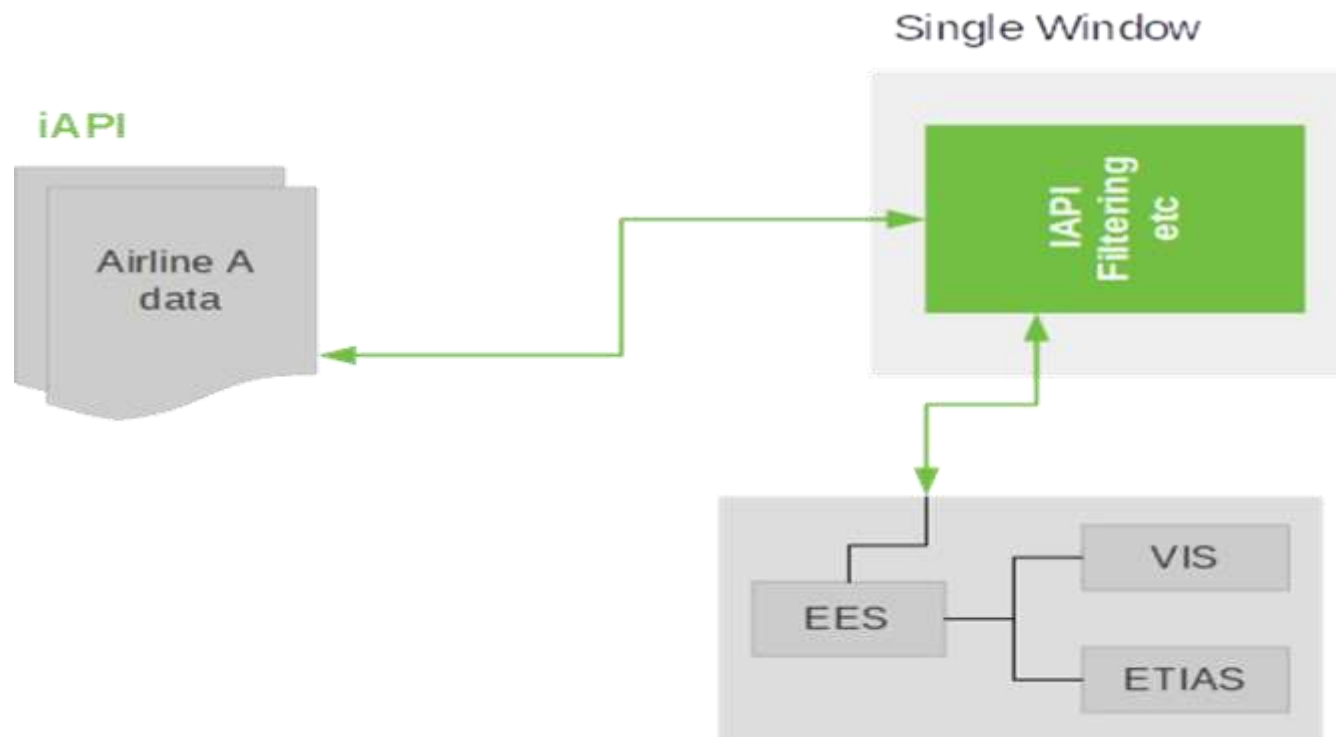
Smart Borders and air carriers - in practice

Technical solution with the objective of minimising impact on carriers:

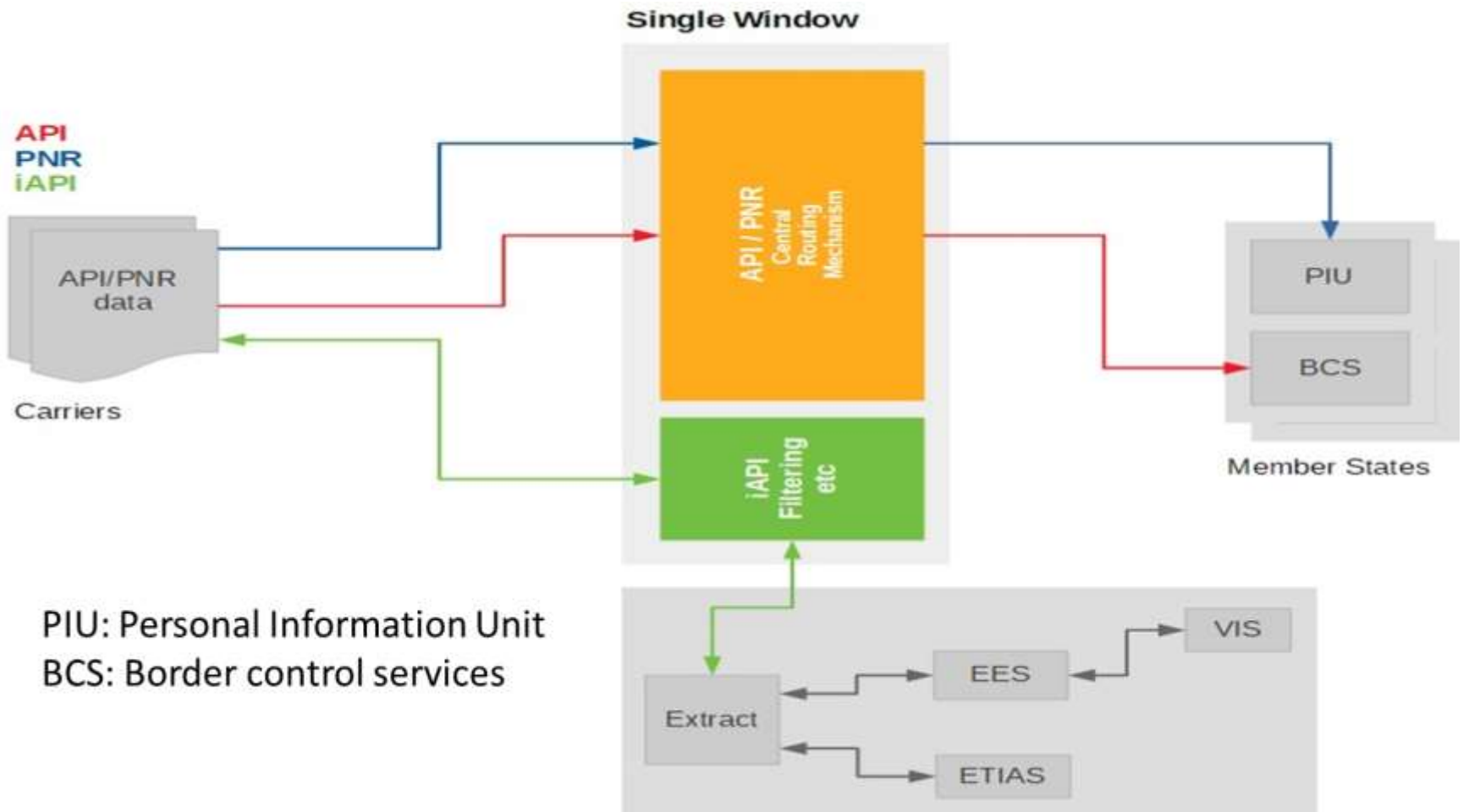
- Combined query for both EES and ETIAS
- Combined answer from both EES and ETIAS
- Towards an interactive API system



Smart Borders introduces de facto a notion of Single Window (= one access delivering the answer taken from different systems). But for carriers this is yet an additional flow on top of API/PNR



Following reflections on interoperability, the idea was proposed to study the feasibility of a Single Window



Feasibility study has two parts

- Implementation of the 'Smart Borders' regulation using interactive API (check of the EES/ETIAS extract), but
 - Protecting existing investment made by carriers (message formats, technologies used, ...)
 - Building on existing practices and experiences
- Feasibility of a Central Routing mechanism (CRM) for API and PNR data:
 - Centrally managed system collects API and PNR messages from carriers and forwards them to the right destination.
 - Expected benefits: CRM removes the complexity for carriers of dealing with each MS, and of each MS dealing with each carrier.
 - Reflections on the effect of potential changes in view of API evolution.



Practical aspects of the study

- Performed by U² consortium (Unisys + Unisystems)
- Started from beginning of April – duration ~6 months
- Focused of air carriers – other carriers to be covered by future extension of the study
- Tasks included
 - Consultation of carrier organisations (IATA,..), EU Agencies (EBCGA, eu-LISA), MS services (border control and security), air carrier's service providers
 - Benchmarking of existing iAPI solutions
- Feasibility study to address business flows, technical implementations, resources, legal aspects

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Likely evolutions

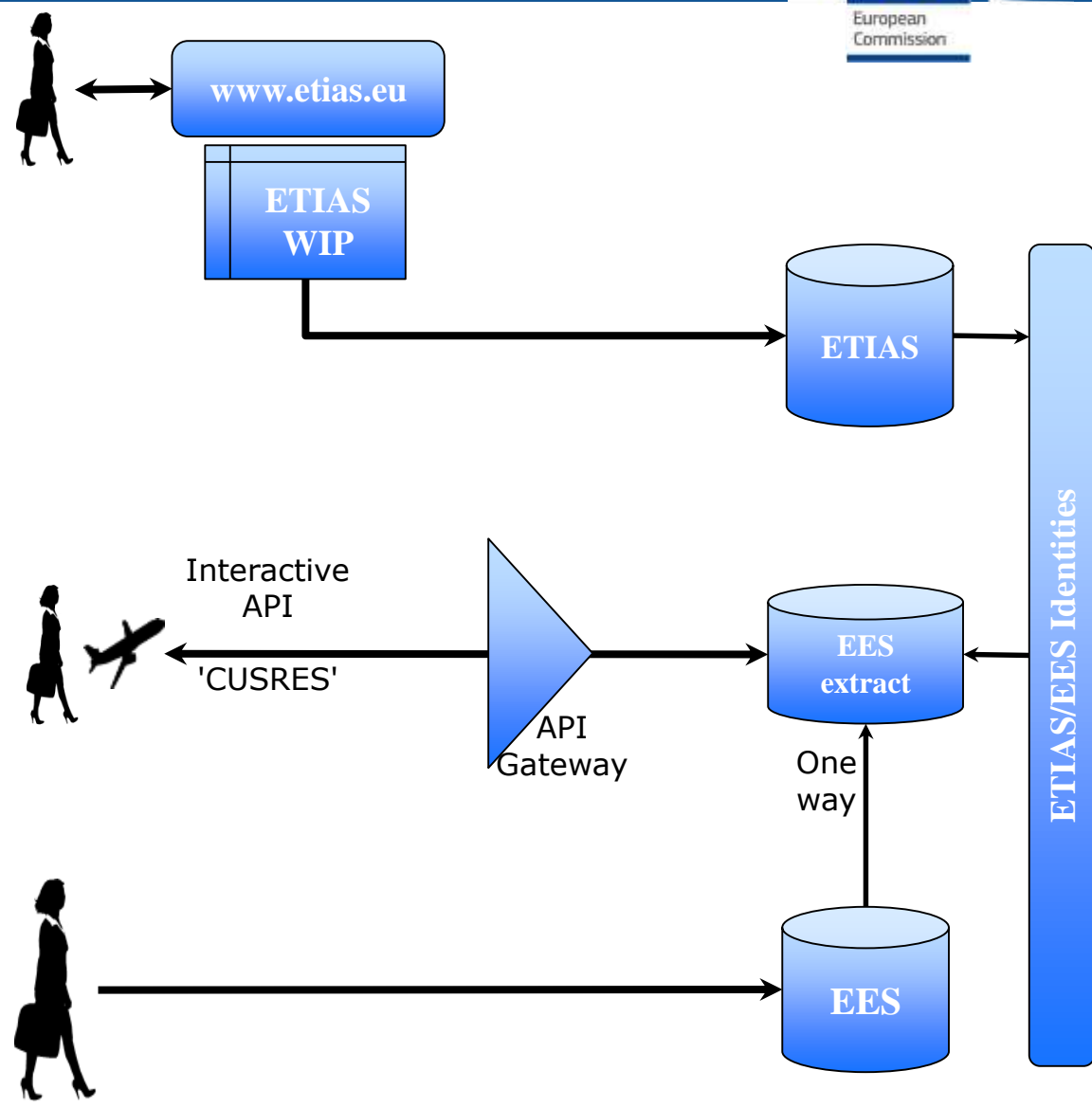
- **"API Directive" is planned to be changed**
 - Likely changes to have a more homogeneous implementation across MS => less diversity of requests for carriers, e.g.
 - Closed list of data elements included, API of crew collected
 - Pending questions, e.g.
 - Scope of the new legal act (e.g. intra-EU/Schengen and extra-EU outbound flights or not)
- **"PNR Directive" will not change – enactment in national legislation close to be completed**
- **EES/ETIAS legislation to be implemented**

Questions?



Carriers API interactions with ETIAS and EES

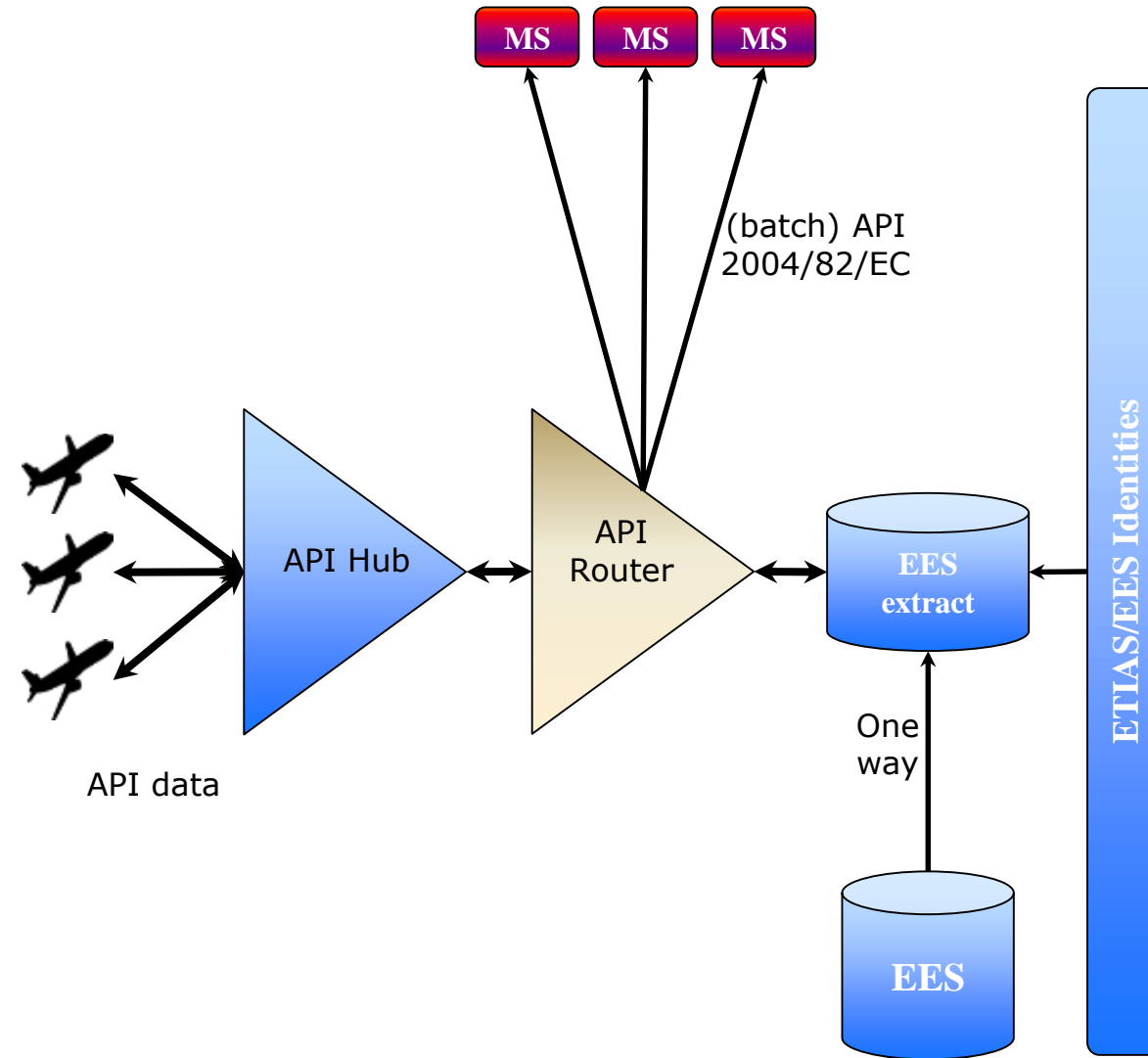
(conceptual view. To be developed)



- ETIAS creates the (declarative) initial EES personal file for TCN VE via the common identity repository shared with EES
- An EES (one way) partial extract is regularly updated for carriers to consult
- An API Gateway will concentrate API connections from all carriers
- Carriers consult the EES extract (also containing the declarative ETIAS data) with the interactive API 'CUSRES' (Customs Response) message

API Router

(this is just an idea...)



- Carriers will interact with a centralised API Gateway as a SPOC for the central systems (ETIAS/EES)
- To prevent carriers from sending a second API flux to (certain MS), an API Router could potentially duplicate the API message and forward to the MS
- API Router could benefit from a 'subscription' concept to define which API (and which format) needs to go to which MSs
- MS are free to arrange to continue direct (batch) API communications with carriers