Phased Roll Out of the Entry/Exit System (EES)

The Aviation Industry's Recommendations

On behalf of the trade associations representing the global aviation sector operating in Europe, we welcome the Schengen Council's announcement of 10 October 2024 to implement the Entry/Exit System (EES) in a phased manner. This decision aligns with the industry's longstanding recommendation for a gradual EES rollout to serve the interests of all stakeholders, including travellers, governments and the industry.

We understand that the European Commission and Member States are now developing the framework for this approach. Given the implications of the EES for air carriers, airports and European connectivity, the aviation industry is committed to supporting this process. As such, this document outlines our recommendations for an effective and successful EES implementation. Many of these recommendations have already been shared with the Commission and Member States through written communications and industry meetings. However, we find it timely to summarise and reiterate them at this stage, in the hope that they can be reflected in the new framework being developed.

Executive Summary

The aviation industry is asking the European Commission and Member States to take the following criteria into consideration for the entry into operation of the EES:

- **EES central system**
  - ✓ A reliable, stable and thoroughly tested EU central system is an indispensable prerequisite before the launch of EES.

- **Phased approach**
  - ✓ Progress through the phases should only occur once the previous phase is stable and operating smoothly.
  - ✓ The ability to revert to earlier phases, or to pause after full rollout should be available in case operations are compromised, i.e. precautionary measures.
  - ✓ No phase should coincide with peak periods, such as holidays or summer, but should instead occur during times when any disruptions can be managed effectively by airport and airline operations.
  - ✓ Carriers' EES-related obligations are to be effective only for the EES full rollout.

- **Additional tools and innovation**
  - ✓ The App for third-country nationals will play a pivotal role in mitigating EES impact.
  - ✓ The optimization of border automation tools will be essential, including for transit passengers (e.g. ABCs, technology to avoid double-verification at the border)

1. Border Crossing Points

a) **Scope, Threshold and Duration** of the Phased Rollout shall be clearly defined. The aviation industry suggests the following framework for EES rollout, considering that biometric enrolment constitutes the major bottleneck of the system:

Period	Capture of biometric data	Comments
Pre- start of operations (test)	No capture of biometric data	At selected BCP, pre-defined time slots, and progressively extending it to all BCP.
Start of operations	Visa holders only	The capture of the biometric data of these travellers is facilitated by the information already captured and contained in their visa
Increased scope 1 (6-9 months after start)	Visa holders + list of additional categories of TCN to be determined	Additional categories of TCN to be agreed by the European Commission and the Member States
Increased scope 2 (12-18 months after increased scope 1)	All TCN	

Should alternative frameworks be explored, industry consider that the length of the initial roll out of EES should be at least 12-18 months.

b) **Evaluation Mechanism:** An evaluation mechanism should be established, involving the industry, to assess the effectiveness of the initial rollout, allowing for adjustments or extensions if needed before the full rollout.

c) **Additional Tools:** Member States should have the flexibility to deploy additional mechanisms during both the phased and full rollout, including:
   o **Fallback procedures** to manage excessive waiting times at the border.
   o Expanded implementation of the pre-registration app for TCN, aiming to enrol more Member States each year (currently limited to around 3).
   o Measures to **avoid double-verification at the border** shall be in place, covering both manual booths and ABC gates before operations begin.
   o As for the **pre-registration app** for TCNs, we recommend to strengthen its functionalities by adding features that are essential for streamlining passenger flow, such as identifying the passenger's status in advance (e.g., first entry or multiple entry). We also strongly encourage Member States to make use of it as soon as possible, but in any case, before the full rollout of the EES.

Above mechanism and tools should consistently be in place before and after the full roll out.

d) **Minimising Burden on Member States:** The rollout should minimise administrative burdens on Member States.

e) **Consolidated Information Plan:** If a harmonised phased rollout is not possible across Member States, the EU should establish a plan to provide industry with consolidated information on each Member State's EES implementation plan, at least three months before the EES launch. Given the scale of EES, individual outreach to each Member State is impractical for both industry stakeholders and Member States.

2. Harmonization of EES Roll Out Across Member States

a) **Coherent framework:** The industry supports a standardised **framework for criteria, thresholds and phases**, to ensure a uniform application across all Member States, balancing the impact on entry and exit border crossings. A lack of harmonisation will seriously jeopardize the benefits of a phased rollout.

3. Carriers Obligations

a) **Temporary relief from Article 13 (3) Requirements: Until full EES implementation, carriers** should be exempt from **their obligations** on Article 13 (3) of Regulation (EU) 2017/2226 which mandates the use the carrier interface to verify whether travellers who hold a short-stay visa issued for one or two entries have already used the number of entries authorised by their visa. However, carrier obligations stipulated in Article 26 of the CISA remain unchanged.

b) **Liability Relief:** Carriers should be also exempt from **liabilities associated** to EES related obligations and to the related penalties derived from the Convention implementing the Schengen agreement (CISA) and Council Directive 2001/51/EC, imposed by Member States according to the national law transposing this Directive, before the full roll out.

c) **Carrier Interface Testing:** After the EES gradual launch and before its full roll out, carriers and at their own initiative, should be given the **possibility to keep testing the carrier interface.**

4. Communication to Travellers and Industry

a) **Robust Communication Campaign:** A comprehensive **communication campaign is essential for both for passengers and transport operators.** This should include signage at border crossing points and materials for carriers to distribute to passengers. The campaign must begin at least six months prior to the EES launch.

5. Legal Instrument for Clarity and Certainty

a) Clear Legal Framework: All **elements** from points 1 to 4 should be codified in a legal instrument that will govern the phased roll out of the EES. Clarity is essential for all stakeholders before EES implementation begins.

6. Timeline

a) **Avoid Peak Periods:** No phase of the EES rollout should **coincide with traffic peak periods at all destinations** to minimise disruptions.

7. Additional Pre-requisites for an Effective EES Rollout

Precautionary measures to avoid overload situations should generally continue for at least another 12 months after full load has been reached.

a) **System Stability and End-to-End Testing**: **Issues affecting the stability** of the central EES system and the lack of comprehensive **end-to-end testing by Member States must be resolved** before any rollout.

b) **Adequate Staffing at Border Crossing Points:** BCPs should be sufficiently staffed prior to the EES implementation.

c) **24/7 Carrier Support Line:** The Commission and/or relevant EU agencies, must establish a **24/7 default phone support to carriers,** to be in place for the EES full rollout. The lack of this basic functionality for carriers to assist travellers has been consistently requested by the industry. Should it remain unaddressed, this would be to the detriment of the traveller experience and our operations. We hope the EES roll out will help to address it.

d) **Exemption for Air Crew, including deadheading and positioning, without Crew Member Certification:** The Commission and/or Member States shall provide, in a harmonized manner, a solution ensuring that **air crew members that do not hold a Crew Member Certificate (CMC), are not impacted** at the time of the EES full roll out.

e) **ABC Availability for Eligible TCNs**: The current **offering of Automated Border Control (ABC)** to existing eligible TCNs, even on their first border crossing point, **shall be secured** before EES is launched.

The aviation industry urges the European Commission and Member States to consider these recommendations in their ongoing assessment and decision making regarding the set-up of the EES phased rollout. We remain committed to supporting this process to ensure a smooth implementation.

We strongly believe these measures will help mitigate the impact of the EES, avoiding disruptions at border crossing points that could negatively impact European border security, the passenger experience, the transport sector and the reputation of the European regulators. We thank you for your continued support and commitment to working hand in hand with the industry.

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About A4A (Airlines for America)
Airlines for America (A4A) advocates on behalf of its members to shape crucial policies and measures that promote safety, security and a healthy U.S. airline industry. We work collaboratively with airlines, labor, Congress, the Administration and other groups to improve aviation for the traveling and shipping public.

Annually, commercial aviation helps drive $1.25 trillion in U.S. economic activity and more than 10 million U.S. jobs. A4A vigorously advocates on behalf of the American airline industry as a model of safety, customer service and environmental responsibility and as the indispensable network that drives our nation's economy and global competitiveness. Current members are: Alaska Airlines, American Airlines, Atlas Air, Delta Air Lines, FedEx Express, Hawaiian Airlines, JetBlue Airlines, Southwest Airlines, United Airlines and UPS; Associate member: Air Canada.

About A4E (Airlines for Europe)
Launched in 2016, Airlines for Europe (A4E) is Europe's largest airline association, based in Brussels. The organisation advocates on behalf of its members to help shape EU aviation policy to the benefit of consumers, ensuring a continued safe and competitive air transport market. With more than 720 million passengers carried each year, A4E members account for more than 70 per cent of the continent's journeys, operating more than 3,000 aircraft and generating more than EUR 130 billion in annual turnover. Members with air cargo and mail activities transport more than 5 million tons of goods each year to more than 360 destinations either by freighters or passenger aircraft. Current members include Aegean, airBaltic, Air France-KLM Group, Cargolux, easyJet, Finnair, Icelandair, International Airlines Group (IAG), Jet2.com, Lufthansa Group, Norwegian, Ryanair Holdings, Smartwings, TAP Air Portugal, TUI and Volotea. In 2019, A4E was named "Airline & Aviation Business Development Organisation of the Year" by International Transport News.

About Association of Asia Pacific Airlines (AAPA)
The AAPA is the trade association for scheduled international airlines based in the Asia-Pacific region. The AAPA permanent secretariat is headquartered in Kuala Lumpur, Malaysia with international representation in Brussels and Washington, D.C. Collectively, the region's airlines represent over one-third of global passenger and air cargo traffic, and thus play a leading role in the ongoing development of global aviation.

About Airports Council International (ACI EUROPE)
ACI EUROPE is the European region of Airports Council International (ACI), the only worldwide professional association of airport operators. ACI EUROPE represents over 500 airports in 55 countries. Our members facilitate over 90% of commercial air traffic in Europe. In response to the Climate Emergency, in June 2019 our members committed to achieving Net Zero carbon emissions for operations under their control by 2050, without offsetting.

About the Latin American and Caribbean Air Transport Association (ALTA)
ALTA is a non-profit organization dedicated to helping the air transport industry in Latin America and the Caribbean. We collaborate with governments to make air travel safer, more efficient, and eco-friendly. We promote teamwork to benefit the entire region, such as boosting the economy, creating jobs, improving connectivity, and supporting social growth. Our member airlines carry over 80% of passengers in the region, highlighting aviation's crucial role in the region's development.

About IATA (International Air Transport Association)
The International Air Transport Association (IATA) is the trade association for the world's airlines, representing some 330 airlines or 80% of total air traffic. We support many areas of aviation activity and help formulate industry policy on critical aviation issues.

About the National Airlines Council of Canada (NACC)
The National Airlines Council of Canada represents Canada's largest national and international passenger air carriers: Air Canada, Air Transat, Jazz Aviation LP and WestJet. It promotes safe, sustainable, accessible and competitive air travel by advocating for the development of policies, regulations and legislation to foster a world-class transportation system. Pre-pandemic our members collectively carried over 80 million passengers annually, directly employed over 60,000 people and served as a critical component of Canada's overall air transport and tourism sector, which supported more than 630,000 jobs