

26 April 2022 Reg. No

Ref: DETIAS/ACU/04/2022

Frequently Asked Questions (FAQ)

In support of carrier's public section

Done at Warsaw 26/04/2022

1. Contents

2.	General Questions	8
2.1.	What is the Entry and Exit System (EES)?	8
2.2.	What is the European Travel Information and Authorisation System (ETIAS)?	8
2.3.	What is the applicable legislation for the implementation of the Entry Exit S	ystem
and t	the European Travel Information and Authorisation System, in relation to the obl	igation
of ca	arriers?	8
2.4.	Which countries apply EES?	9
2.5.	Which countries require ETIAS?	9
2.6.	What is the definition of a carrier and which carriers are bound by EES and E	TIAS?
	9	
2.7.	What are the obligations of carriers for the implementation of the Entry/Exi	t
Syste	em? 9	
2.8.	What are the obligations of carriers under the Regulation (EU) 2018/1240?	10
2.9.	When will EES start its operations?	10
2.10	. When will ETIAS start its operation?	10
2.11	Do carriers have access to assistance related to EES and ETIAS?	10
2.12	. What are the different roles of carriers and service providers?	10
2.13	. Which travellers fall in scope of the EES?	11
2.14	. Which travellers are as out of scope of the EES?	11
2.15	. Which travellers fall in scope of the ETIAS?	11
2.16	. Which travellers are as out of scope of the ETIAS?	11
3.	Carrier Registration	12
3.1.	Why do carriers have to register?	12
3.2.	Do all carriers need to register?	12
3.3.	Which carriers do not have to register for EES/ETIAS?	12
3.4.	Do carriers transporting travellers by trains need to register?	12
3.5.	Do carriers operating only within the territory of European countries applyin	g EES
and	requiring ETIAS need to register?	12
3.6.	How can carriers register?	12
3.7.	What is the registration process?	12
3.8.	What is the mandatory documentation and information the carriers should p	rovide
durir	ng registration?	13

3.9.	Who is authorized to submit the 'Carrier Registration Form' to register a carrier?	
3.10.	Who is the Single Point of Contact (SPoC)?	13
3.11.	What is the role of the Single Point of Contact (SPoC)?	13
3.12.	What is the security convention?	13
3.13.	How can carriers connect to the EES and ETIAS systems?	13
3.14.	•	14
	How can carriers access the EES and ETIAS systems?	
3.15.	Do carriers need to register separately for each of the different types of acce	
	ght choose (System-to-System, Web Portal, or Mobile App)?	14
3.16.	Will the carrier receive a notification upon submission of the registration requiated.	uest?
3.17.	Will a carrier receive a notification/be notified after/upon successful registra	ation?
2.40	14	24.4
3.18.	What are the instruments of constitution and extract of company registration	
3.19.	How can a carrier submit the "Carrier Registration Form"?	14
3.20.	How can a carrier add new contact details or modify/delete existing ones?	14
3.21.	Where can carriers download the "Contact Details Form"?	14
3.22.	Does the carrier have immediate access to the EES and ETIAS systems upon	
successf	ul registration?	14
3.23.	How can carriers contact eu-LISA during the registration process?	15
3.24.	Can a carrier make a provisional registration, providing all necessary data but	t
without	complying with the minimum-security requirements at this provisional stage?	15
3.25.	Which documents will be provided to carriers, applying for System-to-System	
connect	ion, after the submission of the required registration documents?	15
3.26.	How can carriers receive the technical documentation?	15
3.27.	Do you provide workaround when the encryption Keys is not working?	15
3.28.	What documents do carriers need to fill in the registration process?	16
3.29.	What are the different protocols that are considered to connect with the Carl	rier
Interface	e?	16
3.30.	What are the differences between xSIM, OTH.PGD and PRD?	16
3.31.	Should carriers inform eu-LISA if there are any changes regarding the informa	tion
provided	d in the registration form?	17
3.32.	Does the carrier need to update the information provided during the registrat	tion
process	in case of changes to the destinations it covers?	17
3.33.	Do carrier service providers, network providers or ground handlers need to be	3
registere	ed?	17

3.34	Can aviation groups register as a group or the different group members (car	riers)
need	d to register separately?	17
3.35	In case different carriers use the same service provider, does each carrier no	eed to
be re	egistered?	17
3.36	How should an entity that is both a carrier and a service provider register?	17
3.37	Will registered service providers get access to the technical documentation	without
signi	ing the security convention?	17
3.38	. When will the service providers receive the necessary technical and function	nal
docu	umentation?	17
3.39	Can a service provider liaise between eu-LISA and the carrier regarding the	
tech	nicality compliance of the system?	17
3.40	. When will carriers be able to start querying the carrier interface?	18
4.	Carrier Testing	18
4.1.	For which access options, testing is necessary?	18
4.2.	Why is it necessary to test the connectivity to the carrier interface?	18
4.3.	How long will the testing period last?	18
4.4.	When System-to-System connection is requested, is it possible to complete to	the
com	pliance tests and the pre-defined compliance scenarios, even if the departure co	ontrol
syste	em (DCS) does not have the required functionality?	18
4.5.	If the carrier uses a system provider, who should perform the tests with eu- 18	LISA?
5.	Carrier deregistration and disconnection	18
5.1.	When can a carrier deregister, be deregistered, or disconnected?	18
5.2.	Will a carrier be notified before being deregistered?	19
5.3.	If a carrier has been deregistered, can they register again?	19
5.4.	What is the difference between a deregistered and a disconnected carrier?	19
5.5.	When can a carrier be disconnected?	19
5.6.	What does it mean for carrier to be disconnected?	19
5.7.	Can a disconnected carrier be reconnected?	19
5.8.	Do disconnected carriers need to re-register to connect again to the carrier	
inter	rface?	19
5.9.	Will a carrier be notified when disconnected?	19
6.	Carrier Interface	20
6.1.	What is the carrier interface?	20
6.2.	How can carriers access the carrier interface?	20

6.3.	Who will have access to the carrier interface?	20
6.4.	What are the data formats and structure of messages to be used for transmi	tting
verificat	tion queries?	20
6.5.	What kind of information can be checked via the carrier interface?	20
6.6.	What types of logs will be kept by eu-LISA and for how long?	20
6.7.	Who is responsible for the security of the carrier interface?	20
6.8.	Who is responsible for controlling carriers' access rights to the carrier interf	ace?
6.9.	Can a carrier review its access rights to the carrier interface?	21
6.10.	How should carriers handle the out-of-scope travellers when querying the ca	ırrier
interfac	e?	21
6.11.	What happens if a traveller's visa or ETIAS travel authorisation is annulled or	r
revoked	after being checked as "OK" against the carrier interface?	21
	erification process	21
7.1.	What is the verification query?	21
7.2.	How does the verification process affect travellers?	21
7.3.	How does the verification process affect carriers?	21
7.4.	How do carriers perform the verification query, by using the carrier interfac	e?22
7.5.	What responses will be provided to carriers when querying the carrier interf 22	ace?
7.6.	Can a carrier submit one verification query for a group of travellers?	22
7.7.	When should the verification query be performed by the carrier?	22
7.8.	Do operators of cargo ships and cargo aircrafts fall under the same obligatio	ns to
verify tr	ravellers in scope of EES/ETIAS?	22
7.9.	Can a deregistered carrier perform verification queries?	22
	arrier Support	23
8.1.	Who is providing support to the carriers?	23
8.2.	In which language the assistance will be provided?	23
8.3.	When can a carrier request assistance?	23
8.4.	How can a carrier request assistance?	23
8.5.	What kind of assistance will the carrier receive?	23
8.6.	Can the ETIAS Central Unitor eu-LISA contact carriers by other means than t	he
carrier s	support tool?	23
8.7.	What will happen in case the carrier interface does not respond/ function?	23
8.8.	Will the relevant border authorities be informed if it is not possible for a car	rier to
send vei	rification queries?	23

9.	Questions concerning air carriers	24
9.1.	Should carriers, that are not members of International Air Transport Associate	tion
(IATA	A) or Airlines for Europe (charter operators), register?	24
9.2.	What is the suggested approach in case of ad-hoc flight, where the registere	d
depa	rture control system (DCS) is not installed, and the carrier have to use, occasion	ally, a
local	DCS?	24
9.3.	What should an airline, operating an ad-hoc operation, do if there is no serv	ice
provi	ider or the service provider is not registered?	24
9.4.	How can a carrier query the system to verify the EES/ETIAS status of travelle	ers if
the c	carrier does not have a departure control system nor access to a service provider	? 24
10.	Questions concerning sea carriers	24
10.1	Which sea carriers need to register?	24
10.2	Does the staff working on board of a sea carrier need an ETIAS travel author	isation
or a	uniform visa?	24
10.3	Do sea carriers need to query the carrier interface for all the persons on boa	rd or
only	travellers?	25
10.4	Do sea carriers need to query the carrier interface for travellers in scope of	
EES/	ETIAS, that have already been checked, upon arrival into a European country app	olying
EES a	and requiring ETIAS, if the sea carrier does not intent to leave the territory of Eu	ropean
coun	tries applying EES and requiring ETIAS?	25
10.5	Do cruise ships need to query the carrier interface, for travellers in scope of	•
EES/	ETIAS, every time the sea carrier exits and re-enters the territory of a European	country
apply	ying EES and requiring ETIAS during the same trip?	25
11.	Questions concerning land carriers	26
11.1.	Which land carriers need to register?	26
11.2.	When should international carriers transporting groups overland by coach co	nduct
verif	ication queries on ETIAS?	26
12.	Transitional and Grace Periods	26
12.1.	What does the EES transitional period mean?	26
12.2.	What does the ETIAS transitional and grace period mean?	26
12.3	When will the ETIAS transitional period commence and how long will it last?	27
12.4	What responses will the carrier interface give to the carrier when sending a	
verif	ication query during the EES transitional period?	27
12.5	What responses will the carrier interface give to the carrier when sending a	
verif	ication query during the ETIAS transitional period?	27

12.6.	When will the ETIAS grace period take place and how long will it last?	27
12.7.	What responses will the carrier interface give to the carrier when sending	a
verifica	ition query during the ETIAS grace period?	27
13. F	all back procedures	27
13.1.	Where can the carrier find information about how to report a system failu	re and
other s	ystem issues?	27
14. T	ravel documents	27
14.1.	How should a carrier proceed if the travel document, presented by a trave	eller, is
differe	nt from the one used when applying for an ETIAS travel authorisation?	27
15. V	isa related issues	28
15.1.	What type of visas are in the scope of EES?	28
15.2.	Are airport transit visas in the scope of EES?	28
15.3.	Does the carrier interface verify the remaining days of authorised stay of a	a uniform
visa iss	ued for one or two entries?	28
16. C	arriers' liability	28
16.1.	Are carriers liable for transporting travellers without a valid ETIAS travel	
authori	sation?	28
17. C	omplaint mechanism	28
17.1.	Can carriers submit complaints against the actions of ETIAS Central Unit?	28

2. General Questions

2.1. What is the Entry and Exit System (EES)?

The Entry and Exit System (EES) registers electronically the time and place of entry and exit of travellers, in scope of EES, into the territory of European countries requiring ETIAS and applying EES and calculates the duration of their authorised stay. Its entry into operations will replace the obligation of the border authorities to stamp the passports of travellers.

2.2. What is the European Travel Information and Authorisation System (ETIAS)?

The rules of travel to Europe have changed. Starting from 2023, some 1.4 billion people from over 60 visa-exempt countries are required to have a travel authorisation to enter the territory of European countries requiring ETIAS, for a short stay. The information provided by the travellers in their application form, when requesting an ETIAS authorisation, will support European countries in determining whether the traveller poses a security, illegal immigration, or high epidemic risk.

2.3. What is the applicable legislation for the implementation of the Entry Exit System and the European Travel Information and Authorisation System, in relation to the obligation of carriers?

The applicable instruments are:

For EES

Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011, hereinafter referred as Regulation (EU) 2017/2226.

Commission Implementing Regulation (EU) 2021/1224 of 27 July 2021 concerning the detailed rules on the conditions for the operation of the web service and data protection and security rules applicable to the web service as well as measures for the development and technical implementation of the web service provided for by Regulation (EU) 2017/2226 of the European Parliament and of the Council and repealing Commission Implementing Decision C(2019)1230, hereinafter referred as Commission Implementing Regulation (EU) 2017/1224.

For ETIAS

Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, hereinafter referred as Regulation (EU) 2018/1240.

Commission Implementing Regulation (EU) 2021/1217 of 26 July 2021 laying down the rules and conditions for verification queries by carriers, provisions for data protection and security for the carriers' authentication scheme as well as fall-back procedures in case of technical impossibility, hereinafter referred as Commission Implementing Regulation (EU) 2021/1217.

The Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

The Smart Border Package

Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011.

Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), hereinafter referred as Schengen Border Code.

2.4. Which countries apply EES?

The following European countries apply EES: 24 EU Member States (Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden) as well as the four Schengen Associated Countries (Iceland, Lichtenstein, Norway, and Switzerland). However, Bulgaria and Romania do not fully apply EES.

2.5. Which countries require ETIAS?

The following European countries require ETIAS: 26 EU Member States (Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden) as well as the four Schengen Associated Countries (Iceland, Lichtenstein, Norway, and Switzerland).

2.6. What is the definition of a carrier and which carriers are bound by EES and ETIAS?

A 'carrier' is any natural or legal person whose profession it is to provide transport of persons (<u>Article 2.15</u> <u>Schengen Borders Code</u>).

However, only the following categories of carriers fall into the scope of the EES and ETIAS Regulations:

- Air carriers,
- Sea carriers
- international carriers transporting groups overland by coach.

There are the following categories of carriers who are not bound by EES and ETIAS:

- Carriers transporting travellers only within the European countries applying EES and requiring ETIAS;
- Carriers transporting travellers only outside European countries applying EES and requiring ETIAS;
- and that do not intend to transport travellers into a European country applying EES and requiring ETIAS within the next 6 months;
- Carriers transporting travellers by trains;
- River carriers transporting travellers.

2.7. What are the obligations of carriers for the implementation of the Entry/Exit System?

Air carriers, sea carriers and international carriers transporting groups overland by coach shall use the web service to verify whether travellers holding a short-stay visa issued for one or two entries, have already used the number of entries authorised by their visa (Article 13 (3) of Regulation (EU) 2017/2226).

The verification query shall be introduced, at the earliest, 48 hours prior to the scheduled time of departure. Carriers shall ensure that only duly authorised staff have access to the carrier interface. The carriers shall put in place at least physical and logical access control mechanisms to prevent unauthorised access to the infrastructure, or the systems used by the carriers, authentication, logging to ensure access traceability, regular review of the access rights (Article 3 of Commission Implementing Regulation (EU) 2021/1224).

The carrier obligations stipulated in <u>Article 26 of Convention Implementing the Schengen Agreement</u> (CISA) remain unchanged. Querying the carrier interface is an additional obligation.

2.8. What are the obligations of carriers under the Regulation (EU) 2018/1240?

Air carriers, sea carriers and international carriers transporting groups overland by coach shall use the carrier interface to verify whether travellers subjects to the travel authorisation requirement, are in possession of a valid travel authorisation (Article 45(1) of Regulation (EU) 2018/1240).

According to Article 3 of Commission Implementing Regulation (EU) 2021/1217, the verification query shall be introduced at the earliest 48 hours prior to the scheduled time of departure. Carriers shall ensure that only duly authorised staff have access to the carrier interface. The carriers shall put in place at least physical and logical access control mechanisms to prevent unauthorised access to the infrastructure, or the systems used by the carriers, authentication, logging to ensure access traceability, regular review of the access rights.

The carrier obligations stipulated in <u>Article 26 of Convention Implementing the Schengen Agreement</u> (CISA) remain unchanged. Querying the carrier interface is an additional obligation.

2.9. When will EES start its operations?

Council of the EU decided on 9 and 10 December 2021 that EES should enter into operations at the end of September 2022.

2.10. When will ETIAS start its operation?

Council of the EU decided on 9 and 10 December 2021 that ETIAS should enter into operations in May 2023.

2.11. Do carriers have access to assistance related to EES and ETIAS?

Yes. Please see Carrier Support8 Carrier Support

2.12. What are the different roles of carriers and service providers?

Air carriers, sea carriers and international carriers transporting groups overland by coach, coming into the territory of a European country applying EES and requiring ETIAS, are responsible for checking the travellers' status according to the EES and ETIAS regulations. Carriers are responsible for establishing an authentication schema with the carrier interface, following the registration and testing process established by eu-LISA.

Carriers are also responsible for granting access to the carrier interface only to 'duly authorised staff', meaning natural or legal persons that are employees of or contractually engaged by the carrier or other legal or natural entity under that carrier's direction or supervision.

For carriers requesting a System-to-System (Sys2Sys) connection, the service provider needs to be declared during the registration and follow the established guidelines of the authentication schema.

Service providers are responsible to establish the connectivity between the system declared by the carrier during the registration and the Carrier Interface System. Each carrier needs to ensure that the declared service provider is following the Security Convention and the Technical/Security requirements established with eu-LISA, under the Carrier Technical Guidelines.

10/28

2.13. Which travellers fall in scope of the EES?

Traveller admitted for a short stay, no more than 90 days in any 180-day period, to the territory of MS applying EES. Detail description can be found in <u>article 2 of Regulation (EU) 2017/2226</u>.

2.14. Which travellers are as out of scope of the EES?

The following categories of travellers are considered out of scope of EES:

- EU Member State citizens,
- Travellers with long stay visa,
- Travellers with EU resident permit,
- Travellers who are members of the family of a Union citizen and who hold a residence card,
- Travellers who are members of the family of a national of a third country, where that national
 of a third country enjoys the right of free movement equivalent to that of Union citizens under
 an agreement between the Union and its Member States, on the one hand, and a third country,
 on the other and those third-country nationals hold a residence card or permit,
- Travellers exercising their right to mobility,
- Travellers originating from Andorra, Monaco, San Marino and Vatican City State,
- Persons or categories of persons exempt from border checks or benefiting from specific rules in relation to border checks as referred to in point (g) of Article 6a (3) of Regulation (EU) 2016/399,
- Persons or categories of persons referred to in points (h), (i), (j) and (k) of Article 6a (3) of Regulation (EU) 2016/399.

2.15. Which travellers fall in scope of the ETIAS?

ETIAS travel authorisation is required for travellers who meet all the following criteria:

- they are not EU nationals;
- they are citizens of a country whose nationals are not required to have a visa to travel to any of the European countries requiring ETIAS;
- they do not have a residence permit/card/document issued by any of the European countries requiring ETIAS.

2.16. Which travellers are as out of scope of the ETIAS?

Travellers who are nationals of a European country requiring ETIAS;

- a national of any of the countries who needs a visa to travel to any of the European countries requiring ETIAS, UK nationals and their family members who are beneficiaries of the Withdrawal Agreement, a national of Andorra, San Marino, Monaco, the Holy See (the Vatican City State) or Ireland,
- 2. a refugee, a stateless person or a person who does not hold the nationality of any country and reside in any of the European countries requiring ETIAS and hold a travel document issued by that country,
- 3. a holder of a residence permit or a residence card issued by any Member states requiring ETIAS,
- a holder of a uniform visa, a holder of a national long-stay visa, a holder of a local border traffic permit, but only within the context of the bilateral agreement on local border traffic between MS and third country,
- 5. a holder of a diplomatic, service, or special passport,
- a civilian air or sea crew member when on duty, a civilian sea crew member going ashore holding
 a seafarer's identity document, a crew or member of an emergency or rescue mission in the
 event of a disaster or an accident, a civilian crew of ships navigating in international inland
 waters,
- 7. a holder of a travel document issued by intergovernmental international organisations, an intracorporate transferee, a student or a researcher exercising the right to mobility in accordance with Directive 2014/66/EU or Directive (EU) 2016/801.

3. Carrier Registration

3.1. Why do carriers have to register?

Carrier transporting travellers to the European countries applying EES and requiring ETIAS have to check that the travellers meet the condition for entry. Therefore, the carriers have to use the carrier interface. Please see 6.1 6.1What is the carrier interface? In order for the carrier to access and use the carrier interface must register (Article 10 of Regulation (EU) 2021/1217). Only registered carriers can verify whether travellers have a valid travel authorisation or a valid short-term visa issued for one or two entries.

3.2. Do all carriers need to register?

No. Read more here: 2.6. What is the definition of a carrier and which carriers are bound by EES and ETIAS?

3.3. Which carriers do not have to register for EES/ETIAS?

The carriers that do not fall into the scope of the EES and ETIAS do not need to register. Read more here: 2.6. What is the definition of a carrier and which carriers are bound by EES and ETIAS?

3.4. Do carriers transporting travellers by trains need to register?

No. Train carriers are excluded from the obligation to query the carrier interface, hence no registration is required. Read more here: 2.6. What is the definition of a carrier and which carriers are bound by EES and ETIAS?

3.5. Do carriers operating only within the territory of European countries applying EES and requiring ETIAS need to register?

Carriers operating only within European countries applying EES and requiring ETIAS do not need to query the carrier interface consequently register. Please see 6.1 6.1What is the carrier interface?

3.6. How can carriers register?

eu-LISA is responsible for the registration process. The carrier registration and related relevant information is available on the eu-LISA website: https://bit.ly/eu-LISA-Carriers

3.7. What is the registration process?

According to Regulation (EU) 2021/1217 and Regulation (EU) 2021/1224, carriers have the legal obligation to query EES and ETIAS systems to receive answers regarding the status of travellers and in order to have access to those systems they need to register. The registration process differs depending on the type of the connection. (read more for the connection here: 6.1 6.1 What is the carrier interface?)

For System-to-System connection (Application Programming Interface) The carrier will need to fill in the relevant documentation for its registration. This documentation consists of the F01 and F02 forms for the registration of the carrier's legal entities and single point of contact (Carrier SPOC), as well as the carrier's service provider contacts. Once those forms are sent to eu-LISA, via the dedicated email address, eu-LISA will share with the carrier the Non-Disclosure Agreement and a welcome pack that will contain the F03, F04, F05 and F06 forms to be filled in and to conclude the first phase of the registration. For more information on the carrier registration process and documentation, please visit eu-LISA's website.

After filling in the relevant documentation, described above, the carrier shall go through two phases, pre-compliance, and compliance. During the pre-compliance face, carriers can perform testing by using the carrier interface simulator, following the guidelines, and completing the predefined test cases. The pre-compliance phase is not mandatory but strongly recommended. During

the compliance phase, which is mandatory, the carriers shall run a set of scenarios before being able to query the carrier interface.

• For Mobile app and web browser connection compliance tests will not be required. The carrier shall provide training to the authorised staff based on guidelines and the training environment that will be provided by eu-LISA. After the completion of the training, the carrier shall submit a declaration of readiness and then will be able to query the carrier interface.

3.8. What is the mandatory documentation and information the carriers should provide during registration?

Carriers need to provide the following information to register:

- Legal name of the carrier,
- Contact point details of the carrier,
- carrier e-mail, telephone number, postal address,
- Contact details of the legal representative and back-up points of contact ("Single Point of Contact" (names, telephone numbers, email, and postal addresses,)
- Functional e-mail or other means of communication for technical support,
- The European country(ies) applying EES and requiring ETIAS in which the carrier operates/ intents to operate in the next 6 months,
- Instruments of constitution (including statutes) (read more 3.18 What are the instruments of constitution and extract of company registration?),
- Extract of official company registration (read more 3.18 What are the instruments of constitution and extract of company registration?),

However, an electronic copy of an authorisation to operate in one or more Member States, such as an Air Operator Certificate, can substitute the official company registration.

- Country of registration (or, in case the carrier is registered in a third country, the EU Member State in which the carrier operates or intends to operate within the next 6 months).
- Carrier Choice for access to the carrier interface ('data exchange channels' (Read more 6.2 How can carriers access the carrier interface?).

3.9. Who is authorized to submit the 'Carrier Registration Form' to register a carrier?

The legal representative of the carrier shall submit the Registration form.

3.10. Who is the Single Point of Contact (SPoC)?

The legal representative and back-up points of contact are considered as SPoC.

3.11. What is the role of the Single Point of Contact (SPoC)?

The main responsibilities of the SPoC are as follows:

- To manage all the administrative tasks for the registration or deregistration of the carrier;
- To administrate user access and role allocation under the security convention.
- To be main Point of Contact for the technical impossibility.

3.12. What is the security convention?

The security convention is a document, developed by eu-LISA (<u>F07 form</u>) to establish the security rules for the carrier to access the carrier interface under the provisions of Commission Implementing Regulations 2021/1224 and 2021/1217. This access is enabled for carriers to execute the tasks defined in the EES Regulation 2017/2226 and in the ETIAS Regulation 2018/1240.

3.13. How can carriers connect to the EES and ETIAS systems?

Carriers should choose one of the available connection options: A dedicated network connection or an internet connection.

3.14. How can carriers access the EES and ETIAS systems?

Please check: 6.2 How can carriers access the carrier interface?

3.15. Do carriers need to register separately for each of the different types of access they might choose (System-to-System, Web Portal, or Mobile App)?

No. Only one registration is necessary. During registration process, the carriers can choose one or more of the available access options (System-to-System, Web Portal, or Mobile App). The carrier will have the possibility to update those options in the future, if needed.

3.16. Will the carrier receive a notification upon submission of the registration request?

After submitting the registration request, the carrier will receive a confirmation of successful registration or a request to send additional information for the completion of the registration.

3.17. Will a carrier receive a notification/be notified after/upon successful registration?

Yes. Once registered, the carrier will receive a notification email indicating the assigned ID number.

3.18. What are the instruments of constitution and extract of company registration?

The instruments of constitution are the founding act that regulates the existence of the company and its modifications over time, in accordance with the applicable law of the place of the registration. They may include information such as the type and name of the company; the objects of the company; capital amount; the registered office; the nominal value of the shares subscribed etc.

In some countries, such as the US, the instruments of constitution are also referred to as the "corporate charter", "articles of association", or "certificate of incorporation".

The extract of the company registration is a document usually issued officially by business registers. Such document contains some basic company information, such as company name, address, company registration number, whether the company is currently active etc.

3.19. How can a carrier submit the "Carrier Registration Form"?

Carrier's Single Point of Contact can submit the <u>"Carrier Registration Form"</u> to a dedicated e-mail address: <u>carriers_onboarding@eulisa.europa.eu.</u>

3.20. How can a carrier add new contact details or modify/delete existing ones?

The Carrier Single Point of Contact can submit the <u>"Contact Details Form"</u> with the updated information to a dedicated e-mail address: <u>carriers_onboarding@eulisa.europa.eu.</u>

3.21. Where can carriers download the "Contact Details Form"?

Carriers can download the "Contact Details Form" from the eu-LISA website.

3.22. Does the carrier have immediate access to the EES and ETIAS systems upon successful registration?

Once the carrier submits the registration form to eu-LISA, they will have access to the carrier support tool and will be able to request assistance related to the registration process. Please see question 8.4 How can a carrier request assistance? Currently, and until EES enters into operations, carriers can request assistance via the carrier onboarding email carriers_onboarding@eulisa.europa.eu.

After the necessary tests have been performed and the carrier has been certified, they will have a full access, including being able to submit queries in the carrier interface.

3.23. How can carriers contact eu-LISA during the registration process?

Carriers can contact eu-LISA via the carrier onboarding email carriers_onboarding@eulisa.europa.eu during the onboarding process, after the carrier has successfully submitted all registration forms and is in the process of testing the system. After the entry into operations of EES, carriers should use the carriers' support tool for the onboarding process.

3.24. Can a carrier make a provisional registration, providing all necessary data but without complying with the minimum-security requirements at this provisional stage?

No. The carrier needs to comply with the minimum security requirements and successfully complete the registration process to have access and query the carrier interface. Please also see 133.8 What is the mandatory documentation and information the carriers should provide during registration?

3.25. Which documents will be provided to carriers, applying for System-to-System connection, after the submission of the required registration documents?

eu-LISA will provide the following documents:

- Carrier Welcome Pack: The Carrier Welcome Document is the guide to EES and ETIAS passenger verification services. Together with the Carrier Technical guidelines, Testing Documents and Implementing Regulations and Standard Operating Procedures, the Welcome Pack covers what the carriers need to know about connecting and using the carrier interface.
- S2S_CTG_Technical Documentation: The Carrier Technical Guidelines (CTG) contains the technical guidelines for the Carriers using the System-to-System channel hosted by eu-LISA
- S2S_TDD_Technical Documentation: The "Pre-Defined Carriers Test Cases (TDD)" document covers functional scope dedicated for the testing of Carrier Interface Simulator (CISIM) by the Carriers
- PortalMobile_CTG_Technical Documentation: The Carrier Technical Guidelines (CTG) contains the technical guidelines for the carriers using the Web Portal or Mobile Application channel hosted by eu-LISA

3.26. How can carriers receive the technical documentation?

As a condition of receiving the technical documentation, the carrier must send signed Security Conventions (F07) by the contact points indicated in F01 form "Carrier registration form".

After submitting the form, the carrier will receive an F07 form, acceptance message and information about the sending of encryption/decryption keys.

All documents are encrypted with keys and to open them carriers need to download the registration documents as per the following steps:

- 1. Save the .zip file
- 2. Double click on it to open using a file archiver tool
- 3. Insert the encryption key sent via SMS applicable for the period the zip file was shared
- 4. If the physical keyboard does not support certain characters, the character can be inserted in word (see instructions here) and copy/paste.

3.27. Do you provide workaround when the encryption Keys is not working?

In case you do not receive the keys via text message because of reasons beyond our control, such as phone settings. If you do not receive them within one hour after our confirmation e-mail, please send an e-mail to carriers_onboarding@eulisa.europa.eu. An alternative way of delivering the keys can be provided. Please ensure to include your ID number in the mail subject or content of your message.

Reg. No

3.28. What documents do carriers need to fill in the registration process?

The carrier will need to fill in and submit the following forms:

• Form F01 "Carrier Registration form" (available online)

The scope of this form is to collect all the relevant information and details for the registration of the carrier

Form F02 "Carrier Contact Registration form" (available online)

The scope of this form is used in case any contact details need to be modified, added or deleted by the carrier.

• Form F03 "Registration form for Carrier System and Service Provider contacts" (included in the Welcome Pack):

The scope of this form is used to share the data of the carrier service provider entity and the system they use to connect to the carrier interface by carriers when they wish to use the System-to-System connection.

Form F04 "Form for Request to be connected" (included in the Welcome Pack):

The F04 form is shared with system providers or carriers using an in-house system and who have declared their intention to use the System-to-System connection. For this reason, it is only shared after the registration has been completed.

- Form F05 "Form to report Test Incident" (included in the Welcome Pack)
- Form F06 "Form to Ask Question" (included in the Welcome Pack)
- Form F07 "NDN Form" (included in the Welcome Pack) Please see: 3.12 What is the security convention?

3.29. What are the different protocols that are considered to connect with the Carrier Interface?

The following communication protocols are considered to establish the connectivity between Carrier System and the carrier interface when a System-to-System connection is requested:

- IBM MQ (UN/EDIFACT) over IPsec VPN
- REST API (JSON or XML) over mTLS

For both communications, a publicly-trusted digital certificate (2048bit RSA) for the xSIM environment (used for Pre-Compliance phase as a Simulator) and for PDG environment (used for Compliance phase) and Production environment, the digital certificates will be supplied by eu-LISA, issued by their private CA, based on the CSR provided by the departure control system/\carrier. For further details, please refer to the Form F04 "Form for Request to be connected" and the Carrier technical guidelines.

Both eu-LISA and the carrier shall provide the communication means and technical details during the implementation phase (including IPv4 or IPv6 addresses/URLs to be contacted and certificates).

To ensure data privacy and integrity between eu-LISA and the Carriers, TLS 1.3 shall be used as the communication standard.

3.30. What are the differences between xSIM, OTH.PGD and PRD?

xSIM is the simulator environment to be used for the pre-CT (Pre compliance) phase. OTH.PGD is the test environment to be used for CT (Compliance) phase. PRD is the production environment to be used to query the carrier interface in the operational phase.

3.31. Should carriers inform eu-LISA if there are any changes regarding the information provided in the registration form?

Yes. Carriers shall inform eu-LISA of any changes regarding the information provided via the registration form or in case of technical changes, affecting the System-to-System connection to the carrier interface, that may require additional testing. The new submission can be done by submitting an updated registration form with the new information/changes.

3.32. Does the carrier need to update the information provided during the registration process in case of changes to the destinations it covers?

EU based carriers do not need to update their registration based on their destination schedule. Non-EU based carriers, on the other hand, need to update the registration. The update does not need to be done immediately; it can be done once a year.

3.33. Do carrier service providers, network providers or ground handlers need to be registered?

Only carriers need to be registered. The carrier should indicate, upon registration, any other party with which they collaborate and use to outsource services so that they are included in the registration form. Service providers, network providers or ground handlers cannot register separately from the carrier.

3.34. Can aviation groups register as a group or the different group members (carriers) need to register separately?

Aviation groups can be registered as a group, provided that those who need to query the carrier interface fall under the definition of duly authorised staff and obligations can be fulfilled.

3.35. In case different carriers use the same service provider, does each carrier need to be registered?

Yes. Each carrier must be registered separately.

3.36. How should an entity that is both a carrier and a service provider register?

The entity must be registered as a carrier. Service providers do not register separately from a carrier; they should be included in the registration form of the carrier.

3.37. Will registered service providers get access to the technical documentation without signing the security convention?

The carrier can share the technical documentation with their service providers and ensure that the security convention is followed for all the carrier authorised staff.

3.38. When will the service providers receive the necessary technical and functional documentation?

To receive the necessary documentation, the service providers should first be declared in the "<u>Carrier registration form</u>". Then, the carrier can share the technical documentation with the concerned and declared service providers as duly authorised staff.

3.39. Can a service provider liaise between eu-LISA and the carrier regarding the technicality compliance of the system?

Yes. This is possible when the carrier has declared the service provider during the registration.

3.40. When will carriers be able to start querying the carrier interface?

After the entry into operations of EES, carriers that have been registered can guery the carrier interface. For using the system-to-system access to the carrier interface, the carrier should be also certified for this access option.

4. Carrier Testing

4.1. For which access options, testing is necessary?

Only for System-to-System access. For web access or through the mobile app no testing is necessary.

4.2. Why is it necessary to test the connectivity to the carrier interface?

The testing is needed to ensure compliance with the security and technical requirements to access the carrier interface. After the successful conclusion of the tests, the carriers will be able to query the carrier interface.

4.3. How long will the testing period last?

For System-to-System connection the compliance test shall be completed within 24 hours. The testing is considered completed once the compliance tests and the pre-defined compliance scenarios are successfully accomplished.

4.4. When System-to-System connection is requested, is it possible to complete the compliance tests and the pre-defined compliance scenarios, even if the departure control system (DCS) does not have the required functionality?

If the compliance tests and the pre-defined compliance scenarios are not successfully completed, by both the carrier and the service provider, the carrier cannot query the carrier interface. However, the carrier can always check the travellers' status via the web portal or the mobile application.

4.5. If the carrier uses a system provider, who should perform the tests with eu-LISA?

It is entirely up to the carrier to decide which tests will be performed by them and which will be delegated, to be performed by a system provider.

Carrier deregistration and disconnection

5.1. When can a carrier deregister, be deregistered, or disconnected?

According to Article 11 (1), (2), (3), (5) of Commission Implementing Regulation (EU) 2021/2017 carriers will be deregistered in the following cases:

- When the carrier informs eu-LISA that it no longer operates or transports travellers into the territory of the European countries applying EES and requiring ETIAS;
- When the logs show that the carrier has not used the carrier interface within a period of one
- When the carrier no longer fulfils the conditions or has breached the provisions of the EES and ETIAS Regulations, the security requirements, or the technical guidelines, including in case of abuse of the carrier interface according to the standard operating procedures.
- In case of urgent IT security concerns, including when the carrier is not complying with the security requirements or with the technical guidelines, eu-LISA may immediately disconnect the carrier.

Reg. No

Deregistered carriers may submit a new request for registration. (Read more 5.3 If a carrier has been deregistered, can they register again?)

5.2. Will a carrier be notified before being deregistered?

Yes. One month before deregistration, eu-LISA will inform the carrier of its intention to deregister the carrier along with the reason for the deregistration.

5.3. If a carrier has been deregistered, can they register again?

Yes. Deregistered carriers may submit a new request for registration and go through the entire registration process in order to obtain the connection to the carrier interface.

5.4. What is the difference between a deregistered and a disconnected carrier?

A disconnected carrier will temporarily lose access to the carrier interface but continues to have access to the carrier support tool. A disconnected carrier can start using the carrier interface again after the successful removal of the reasons that gave rise to the disconnection. There is no need to submit a new request for registration.

On the contrary, a deregistered carrier has no access to the carrier support tool or the carrier interface. In order to restore the access, the carrier must submit a new request for registration and go through the whole registration and testing process.

5.5. When can a carrier be disconnected?

A carrier could be immediately disconnected, by eu-LISA, in case of urgent IT security concerns, including when the carrier does not comply with the security requirements, or the requirements outlined in the technical guidelines.

5.6. What does it mean for carrier to be disconnected?

In case of disconnection, the access to the carrier interface will be temporarily terminated and the carrier will not be able to query the system. The disconnected carrier will still have access to the carrier support tool

5.7. Can a disconnected carrier be reconnected?

Yes. Disconnected carriers may connect again to the carrier interface after the successful removal of the reasons that caused the disconnection.

5.8. Do disconnected carriers need to re-register to connect again to the carrier interface?

No. A disconnected carrier is still registered. The connection to the carrier interface will be restored after the successful removal of the reasons that caused the disconnection.

5.9. Will a carrier be notified when disconnected?

Yes. eu-LISA shall inform the carrier of the disconnection, along with the reasons that triggered the disconnection.

19/28

6. Carrier Interface

6.1. What is the carrier interface?

The carrier interface allows carriers to send verification queries to check the traveller status of issued uniform short-stay visa for one or two entries or ETIAS travel authorisations, where applicable.

6.2. How can carriers access the carrier interface?

The carriers can access the carrier interface through:

- 1. a System-to-System interface;
- 2. a web interface, which is available on the carrier web portal;
- 3. an application for mobile devices.

6.3. Who will have access to the carrier interface?

Only the duly authorised staff of registered carriers shall have access to the carrier interface.

"Duly authorised staff" means natural persons that are employees of or contractually engaged by the carrier or other legal or natural under that carrier's direction or supervision, assigned with the tasks of verifying whether the number of entries authorised by a visa has already been used on behalf of the carrier, in accordance with Article 13(3) of Regulation (EU) 2017/2226.

6.4. What are the data formats and structure of messages to be used for transmitting verification queries?

eu-LISA shall specify the data formats and structure of messages to be used for transmitting verification queries and replies to those queries through the carrier interface in the technical guidelines. These include at least the following data formats:

- 1. UN/EDIFACT PAXLST 15b/CUSRES 12b message format over Message Queueing protocol
- 2. JSON message format over REST /HTTPS protocol
- 3. XML message format over REST/HTTPS protocol

The necessary information is provided in the Carrier Technical Guidelines.

6.5. What kind of information can be checked via the carrier interface?

The carrier interface allows the carrier to check if a uniform short-stay visa issued for one or two entries is still valid, if the number of entries authorised by the visa has not been reached, for travellers falling into the scope of EES; or if a traveller has a valid ETIAS travel authorisation, for travellers falling into the scope of ETIAS.

6.6. What types of logs will be kept by eu-LISA and for how long?

eu-LISA will keep logs of all data processing operations carried out using the carrier interface. The logs will be kept for two years.

6.7. Who is responsible for the security of the carrier interface?

eu-LISA is responsible for the information security management for the carrier interface. Additionally, the carriers are obliged to maintain the minimum security requirements, to protect their IT environments and devices connected to the carrier interface from unauthorised staff.

6.8. Who is responsible for controlling carriers' access rights to the carrier interface?

Carriers are responsible to control the access of their users.

Carriers are responsible to put in place physical and logical access control mechanisms to prevent unauthorised access to the infrastructure or the systems used by the carriers, authentication, logging to ensure access traceability and regular review of the access rights.

6.9. Can a carrier review its access rights to the carrier interface?

Yes. Carriers are obliged to regularly review the access rights.

6.10. How should carriers handle the out-of-scope travellers when querying the carrier interface?

The EES and ETIAS regulations do not apply to all travellers, and therefore not all travellers need to be verified against the carrier interface.

If a traveller falls out of the scope of the EES and ETIAS, the carriers should not (need not) submit queries with those traveller's data.

Alternatively, carriers can query the interface for those travellers and indicate that they are out of scope. In this case, the traveller's data shall not be further processed. A "Not Applicable" ("NA") answer shall be returned by the carrier interface.

For more information, please refer to the Carrier Technical Guidelines.

6.11. What happens if a traveller's visa or ETIAS travel authorisation is annulled or revoked after being checked as "OK" against the carrier interface?

The carrier does not need to perform a second check after having checked the traveller within 48 hours before scheduled departure. If the traveller is refused of entry of border authorities due to the annulment or revocation of the traveller's visa or ETIAS travel authorisation, the carrier is responsible to return the traveller. Please see Article 26 CISA.

7. Verification process

7.1. What is the verification query?

The carrier is obliged to check, if a traveller has a valid uniform short-stay visa issued for one or two entries or ETIAS travel authorization that will permit them to travel. In order to perform this check, the carrier will need to send the traveller's data, hence perform a verification query, through the carrier interface. Please see 7.4 How do carriers perform the verification query, by using the carrier interface?

7.2. How does the verification process affect travellers?

The verification process will not affect travellers. Instead of having their single and double entry visas checked through visual inspection by the carrier, they will be checked through the carrier interface.

Travellers will be able to check their visa status, their remaining authorised stay (EES) and their travel authorisation status (ETIAS), through the traveller's Web Service available online.

7.3. How does the verification process affect carriers?

The verification process of short stay uniform visa issued for one or two entries will no longer be done through visual inspection. Instead, the verification will be conducted automatically through the carrier interface thus the process should be quicker. As from ETIAS entry into operation, verification of ETIAS travel authorization will be conducted through carrier interface as well.

7.4. How do carriers perform the verification query, by using the carrier interface?

Carriers will perform verification queries by scanning the MRZ of the travel documents (recommended) when or, as an alternative, by providing manually the following mandatory data to the carrier interface:

- surname (family name); first name or names (given names)
- date of birth; sex; nationality;
- the type and number of the travel document and the three-letter code of the issuing country of the travel document;
- the date of expiry of the validity of the travel document;
- the scheduled date of arrival at the border of a European country applying EES and requiring ETIAS.

7.5. What responses will be provided to carriers when querying the carrier interface?

The carrier interface will provide the following responses:

"OK", "NOK EES", "NOK ETIAS", "NA" or an error message (when the information is incomplete
or wrongly inserted).

The meaning of the responses is as follows:

- "OK": the traveller has a valid ETIAS travel authorisation or a valid short stay visa (issued for one or two entries).
- "NOK ETIAS" or "NOK EES": the traveller does not have a valid ETIAS travel authorisation
 or, respectively, a valid uniform short-stay visa issued for one or two entries, or the traveller
 has already used the number of entries authorised by their short-stay visa, or the visa has
 expired, revoked, or annulled.
- "NA" when the carrier indicates that the traveller is exempt from the scope of EES or ETIAS Regulations.

7.6. Can a carrier submit one verification query for a group of travellers?

Yes. Carriers can submit one verification query for up to 99 travellers. The carrier interface will provide separate replies for each traveller.

7.7. When should the verification query be performed by the carrier?

The verification query must be done prior to boarding, at the earliest 48 hours before the scheduled time of departure.

7.8. Do operators of cargo ships and cargo aircrafts fall under the same obligations to verify travellers in scope of EES/ETIAS?

Yes, operators of cargo ships and cargo aircrafts, transporting travellers in the scope of EES/ETIAS, into the territory of European countries requiring ETIAS and applying EES, should query the carrier interface.

7.9. Can a deregistered carrier perform verification queries?

No. Deregistered carriers cannot perform verification queries.

8. Carrier Support

8.1. Who is providing support to the carriers?

Operational and technical assistance will be provided to carriers in English 24/7. ETIAS Central Unit will be the single point of contact for all the assistance requests. The operational assistance will be provided directly by ETIAS Central Unit whilst the technical assistance requests will be forward, by the ETIAS Central Unit to eu-LISA for resolution. The carriers can request assistance via the carrier support tool, please see 8.4 How can a carrier request assistance?

8.2. In which language the assistance will be provided?

The assistance will be provided in English.

8.3. When can a carrier request assistance?

Only registered carriers can request assistance. They can do so when facing operational or technical issues.

8.4. How can a carrier request assistance?

Registered carriers can request assistance via the carrier support tool available on the carrier web portal or in exceptional cases by an emergency phone line.

8.5. What kind of assistance will the carrier receive?

Carriers will have access to a list of FAQs, available on the carrier web portal and translated into all the official EU languages. The ETIAS Central Unit will provide assistance to carriers by redirecting carriers to the relevant FAQs. The assistance will be available to all registered carriers 24/7, in English. Assistance will be provided on operational and technical assistance requests, submitted via the carrier support tool, or in case of emergency, via a phone line.

During the registration process, eu-LISA will provide assistance to the carriers via email carriers_onboarding@eulisa.europa.eu.

8.6. Can the ETIAS Central Unitor eu-LISA contact carriers by other means than the carrier support tool?

eu-LISA or the ETIAS Central Unit may contact registered carriers, that have requested assistance, by any means necessary, including by phone, to provide an adequate response.

8.7. What will happen in case the carrier interface does not respond/ function?

If it is technically impossible to query the carrier interface, either due to a failure of an ETIAS component or a failure from the carrier's side, the carriers should notify the ETIAS Central Unit. Where such a failure is detected by eu-LISA, the ETIAS Central Unit will notify the carriers and it will also notify the carriers once the failure is resolved. Consequently, when the failure lies on carrier's side, the carrier should inform the ETIAS Central Unit once the issue has been resolved.

8.8. Will the relevant border authorities be informed if it is not possible for a carrier to send verification queries?

In case of technical impossibility, the carrier shall notify the ETIAS Central Unit that there is technical failure. The ETIAS Central Unit will notify the concerned Member States.

23/28

9. Questions concerning air carriers

9.1. Should carriers, that are not members of International Air Transport Association (IATA) or Airlines for Europe (charter operators), register?

Yes. All carriers operating and transporting travellers from a third county to the territory of a European country applying EES and requiring ETIAS must register.

Please see 2.6. What is the definition of a carrier and which carriers are bound by EES and ETIAS?

9.2. What is the suggested approach in case of ad-hoc flight, where the registered departure control system (DCS) is not installed, and the carrier have to use, occasionally, a local DCS?

The carrier needs to have included the local DCS in its registration form if the carrier wishes to query the carrier interface by using the System-to-System connection.

Otherwise, the carrier can decide to use either the web portal or the mobile application solution.

9.3. What should an airline, operating an ad-hoc operation, do if there is no service provider or the service provider is not registered?

The carrier can use either the web portal or the mobile application solution.

9.4. How can a carrier query the system to verify the EES/ETIAS status of travellers if the carrier does not have a departure control system nor access to a service provider?

In case the carrier does not have an automatic system and cannot use a System-to-System connection, to connect with the carrier interface, the web portal or mobile application can be used to check the traveller's status prior to boarding, by inserting the information of the travel document manually.

10. Questions concerning sea carriers

10.1. Which sea carriers need to register?

Sea carriers that transport travellers into the territory of the European countries applying EES and requiring ETIAS (e.g. ferry companies cruise ships), need to register.

Also other type of legal or natural person that operate cargo ships, which transport travellers need to register.

Private yacht, pleasure boats and cargo ship with no travellers are out of scope and should not register. Nevertheless, rules for "sea borders", according to Annex VI of the Schengen Borders Code are still applicable.

10.2. Does the staff working on board of a sea carrier need an ETIAS travel authorisation or a uniform visa?

Article 2(2)(i) of the ETIAS Regulation excepts from its application persons referred to in Article 4(1) of Regulation 539/2001:

"persons or categories of persons referred to in points (a) to (f) of Article 4(1) of Regulation (EC) No 539/2001;"

Article 4(1) of Regulation 539/2001 was repealed and replaced by Article 6(1) of Regulation (EU) 2018/1806 and includes

- (b) civilian air and sea crew members in the performance of their duties;
- (c) civilian sea crew members, when they go ashore, who hold a seafarer's identity document issued in accordance with the International Labour Organisation Conventions No 108 of 13 May 1958 or No 185 of 19 June 2003 or the International Maritime Organization Convention on Facilitation of International Maritime Traffic of 9 April 1965;
- (d) crew and members of emergency or rescue missions in the event of a disaster or an accident;
- (e) civilian crew of ships navigating in international inland waters;

The exact scope of the exceptions under this provision is determined by Member States: "A Member State <u>may provide for exceptions from the visa requirement</u>". Member States have communicated the measures they have taken pursuant to Article 6, to the Commission and these were published at https://ec.europa.eu/home-affairs/pages/document/information-national-derogations-visa-

<u>requirement_en</u>. The exact scope of 2(2)(i) of the ETIAS Regulation is therefore determined by the content of the notified MS measures referred to above. Thus, the same exemptions applied now for visas (for VR countries) are to be applied for ETIAS (for VE countries)

https://ec.europa.eu/home-affairs/pages/document/information-national-derogations-visa-requirement_en includes an Excel file, which contains a sheet « Exemptions Article 6(1) ». As from row 348, Visa exemptions for other categories mentioned in Article 6(1) can be found, indicating the way each MS allows the exemptions

Sea crew members are <u>never</u> in the performance of their duties when leaving a ship to transit home, or when arriving at an airport to transit to a ship. The duty only starts when a crew member signs on at the ship and ends when the crew members sign off and leaves the ship. The transit is not part of the duty (which is a significant difference compared to air crew). Sea crew members are only "in the performance of their duties" while on board a ship, and possibly (although MS interpretations vary) during short periods of shore leave in the area of the port and the immediately surrounding area.

10.3. Do sea carriers need to query the carrier interface for all the persons on board or only travellers?

All crew members need to be verified when it is required. On board of cruise ships seafarers have special procedures concerning working visa/permits documentation. The EES and ETIAS regulations do not modify the special procedures, as they only require checking visas issued for one or two entries and ETIAS travel authorisations of visa exempt travellers. Crew members are exempted under the conditions specified by each Member State: https://ec.europa.eu/home-affairs/pages/document/information-national-derogations-visa-requirement_en

10.4. Do sea carriers need to query the carrier interface for travellers in scope of EES/ETIAS, that have already been checked, upon arrival into a European country applying EES and requiring ETIAS, if the sea carrier does not intent to leave the territory of European countries applying EES and requiring ETIAS?

No, the sea carrier does not need to query the carrier interface when transporting travellers within the territory of European countries applying EES and requiring ETIAS.

10.5. Do cruise ships need to query the carrier interface, for travellers in scope of EES/ETIAS, every time the sea carrier exits and re-enters the territory of a European country applying EES and requiring ETIAS during the same trip?

The practical handbook for border guards states that:

In the case of cruise-ships, with an itinerary comprising both Schengen and third country ports, it is recommended, for the purpose of registration of travellers in the EES, as a general rule:

- to conduct exit checks, under Article 8 SBC when travellers (or crew) enter the cruise ship at the beginning of their cruise;
- to conduct entry checks, under Article 8 SBC when travellers (or crew) exit the cruise ship at the
 end of their cruise;
- not to conduct entry or exit checks, under Article 8 SBC in the context of organised touristic excursions or daytrips during a stopover at a Schengen port;
- not to conduct entry or exit checks, under Article 8 SBC on travellers remaining on board the cruise ship during a stopover at a Schengen port;

This is without prejudice to the prerogative of Member States, according to the analysis of risks to internal security or illegal immigration, to perform checks (different from checks under Article 8 SBC) on a cruise ship according to Annex VI of the SBC. In case such checks are performed, the travellers controlled will not be registered in EES.

11. Questions concerning land carriers

11.1. Which land carriers need to register?

Only international carriers transporting groups of travellers overland by coach from a third country into the territory of a European country applying EES and requiring ETIAS need to register. Please also see 2.4Which countries apply EES?

11.2. When should international carriers transporting groups overland by coach conduct verification queries on ETIAS?

For the first three years following the entry into operation of ETIAS, querying the carrier interface will be optional for international carriers transporting groups overland by coach. During this period, land carriers will not be liable for boarding travellers without a valid ETIAS travel authorisation.

However, after EES entry into operation, querying the carrier interface will be mandatory for carriers transporting groups overland by coach, when travellers are in scope of EES.

12. Transitional and Grace Periods

12.1. What does the EES transitional period mean?

The EES transitional period is a period of 180 days from the date EES enters into operations <u>Regulation</u> (EU) 2017/2226 Article 22. During the transitional period, border authorities will verify the remaining days of authorised stay by checking the stamps in the travel documents manually and verify and record the entry/exit data in the EES.

12.2. What does the ETIAS transitional and grace period mean?

During the transitional period, travellers will be allowed to enter the territory of a European country requiring ETIAS without an ETIAS travel authorisation, provided that they meet the other entry conditions as foreseen in Article 6 of Schengen Borders Code.

The grace period will follow the transitional period, and travellers will be allowed to enter the territory of the countries requiring ETIAS without an ETIAS travel authorisation, if it is their first entry during that period.

26/28

12.3. When will the ETIAS transitional period commence and how long will it last?

The transitional period is a period of six months from the date ETIAS enters into operations. The European Commission may adopt a delegated act to extend that period for a maximum of a further six months, renewable once as foreseen in Regulation (EU) 2018/1240 Article 83.

12.4. What responses will the carrier interface give to the carrier when sending a verification query during the EES transitional period?

During the EES transitional period, where no data exist in the EES for the traveller in scope of EES, the response to the verification queries from the carrier interface will be "OK".

12.5. What responses will the carrier interface give to the carrier when sending a verification query during the ETIAS transitional period?

During the ETIAS transitional period, the response for travellers in scope of ETIAS will be "OK". In case the carrier confirms, in the verification query, that the traveller is out of scope, please see 2.16 Which travellers are as out of scope of the ETIAS? The response will be "NA".

12.6. When will the ETIAS grace period take place and how long will it last?

The grace period will follow the transitional period and will last for six months. The European Commission may adopt a delegated act in accordance with <u>Article 89 of the ETIAS Regulation</u> to extend that period for a maximum of an additional six months.

12.7. What responses will the carrier interface give to the carrier when sending a verification query during the ETIAS grace period?

During the ETIAS grace period, if the traveller intends to travel for the first time after the transitional period, the reply will be "OK".

In all other cases the carrier interface will reply:

- "OK" when the traveller has a valid ETIAS travel authorisation.
- "NOK ETIAS" when the traveller does not have a valid ETIAS travel authorisation.
- "NA" when the carrier indicates that the traveller is exempt from the scope of the ETIAS Regulation.

13. Fall back procedures

13.1. Where can the carrier find information about how to report a system failure and other system issues?

The operational procedures can be found in Carrier's Standard Operational procedures document.

14. Travel documents

14.1. How should a carrier proceed if the travel document, presented by a traveller, is different from the one used when applying for an ETIAS travel authorisation?

The carrier interface will give a response "NOK ETIAS". The ETIAS travel authorisation is linked to the travel document. Travellers must present the same travel document as the one used when applying for the ETIAS travel authorisation. The carrier may suggest that the traveller apply for a new ETIAS travel authorisation with the new travel document.

15. Visa related issues

15.1. What type of visas are in the scope of EES?

Currently, only uniform short stay visas for one or two entries are in the scope of EES.

15.2. Are airport transit visas in the scope of EES?

No. Currently, airport transit visas are not in the scope of the EES.

15.3. Does the carrier interface verify the remaining days of authorised stay of a uniform visa issued for one or two entries?

No. The system will verify only whether the number of entries authorised by the visa has already been used and the expiry date of the visa. The traveller can check the traveller's Web Service, for more information on the status of their remaining days of authorised stay.

16. Carriers' liability

16.1. Are carriers liable for transporting travellers without a valid ETIAS travel authorisation?

Yes. Carriers will be subject to penalties when they transport travellers, in scope of ETIAS, without a valid travel authorization as foreseen in <u>Regulation (EU) 2018/1240 Article 45 (5)</u>.

17. Complaint mechanism

17.1. Can carriers submit complaints against the actions of ETIAS Central Unit?

Yes. If carriers are affected by any of the actions taken by the ETIAS Central Unit, carriers can submit a complaint, either by using the <u>complaint form</u>, or via email <u>complaints@frontex.europa.eu</u>, or via post. Detailed information regarding FRONTEX complaint mechanism can be found <u>here</u>.