Carriers Working Group of 15 May 2023

Summary

Subject: Monthly Carriers Working Group meeting

Sea and Land Carriers at 10:00– 12:00 CET

Participants: Carriers representing sea and land industry, their service providers, carrier associations, European Commission (DG HOME), Member State (MS) experts, Frontex and eu-LISA (altogether 83 participants).

1. Introduction **a. Agenda** **b. Carriers meeting calendar**	eu-LISA presented the agenda of the 23rd Carriers Working Group (WG) and the calendar of the upcoming meetings to the participants. The WG took note of the Carrier WG meeting calendar with the dates of the upcoming meetings until December 2023. The next Carriers WG meeting will take place on 5 July and there will be three more meetings until the end of the year, respectively, on 18 September, 24 October and 5 December 2023. Additionally, ad-hoc meetings can be organised upon request and eu-LISA kindly requests the topics proposed to be discussed to be shared with the Agency in advance. eu-LISA notified the Carriers that the onboarding and support service has been reinstated. Carriers are welcome to send their questions as well as suggestions for further improvements of the service to the functional mailbox carriers_onboarding@eulisa.europa.eu.
2. Legal updates (European Commission)	The Commission and eu-LISA informed the WG that the project timelines are currently under discussion, not only for EES but also for ETIAS, due to existing dependencies. Neither EES nor ETIAS will enter into operation before next year. Respective decisions are expected after the JHA Council meeting scheduled for 8-9 June 2023. The Agency will inform the carriers of the decisions taken. Moreover, the Commission notified the carriers that *ad-hoc* meetings will continue to take place as requested by the carriers, their associations and other relevant entities. The most recent meeting involved Interferry, which

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	brought to the attention of the Commission that while they represent an active community within the WG, not all ferry operators are currently engaging in the onboarding process. A clarification on the definition of cruise carriers, referring to the definitions in the Schengen Borders Code, was provided.
3. Technical updates (eu-LISA)	The presentation on technical updates by eu-LISA covered key aspects related to EES and ETIAS objectives deriving from the legal framework, the scope of the third country nationals to whom the checks will apply, the evolution of the Carrier Interface, cargo carriers' obligations and fallback procedures. Carriers were reminded of the need to check the validity of single and double entry visas (obligation deriving from EES legal framework) and ETIAS travel authorisations (obligation deriving from ETIAS legal framework). The stamping will be replaced by registering electronically the entry and exit of a third country national to whom EES applies. eu-LISA also presented the evolution of the Carrier Interface. It was also clarified that cargo carriers are subject to the EES and ETIAS Regulations. Cargo carriers must query the carrier interface to verify the visa or authorisation status of the transported individuals. However, cargo carriers that exclusively transport goods and not passengers are generally exempt from these obligations. Cargo carriers must comply with the query requirements when transporting visa-required travellers or individuals with ETIAS authorisations into European countries, as long as they profit from these transportation activities. Other categories of carriers, such as those operating within European countries only, carriers transporting travellers outside of EES countries, carriers without plans to transport travellers to EES or ETIAS countries in the near future, or carriers transporting travellers by train and river, are generally not bound by the EES and ETIAS Regulations. eu-LISA noted that the Carrier Interface will not encompass at entry-into-operation the service of verification of the authorised remaining stay of the third-country nationals in the response provided to the carriers. The interface will provide a reply only whether the single or double entry visa has been consumed at that stage. The check on the authorised remaining stay will be implemented only after the go-live of VIS recast. At that phase, also other categories of travellers will be added such as non-EU nationals to hold long-stay visas, residence permits, transit visas and multiple-entry visas. The eu-LISA presentation also outlined the fallback procedure for carriers facing technical impossibilities in using the System-to-System connection

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	with MQ or REST. These fallback procedures provide alternative solutions in such cases.
4. Carriers and Travellers Support – Operational updates (Frontex)	Frontex informed the WG about their support to carriers and shared the latest operational updates. Regarding the carriers support, Frontex outlined the legal basis for the assistance provided to carriers, which consists of the Regulations (EU) 2018/1240 (ETIAS) and 2017/2226 (EES) and their Implementing Regulations (EU) 2022/1380 and 2022/1409, respectively. The support by Frontex is primarily aimed at addressing technical impossibilities faced by carriers in accessing EES/ETIAS data. The ETIAS Central Unit serves as a point of contact for carriers and offers both technical and non-technical / operational assistance. Carriers will be able to submit their requests for support through a web form called the Carrier Onboarding and Support Tool, available on the carrier web portal. In cases where the web form is unavailable, an emergency phone line will be provided as an alternative contact method. The ETIAS Central Unit will operate 24/7 and will provide support to carriers in English. Non-technical requests will be addressed by directing carriers to relevant information available in the FAQ section. For technical issues, the ETIAS Central Unit will forward the requests to eu-LISA, which will be responsible for providing technical assistance to carriers. Under operational updates, Frontex announced that the 4th version of the FAQ document has been published, eu-LISA - Working Group for Carriers (europa.eu) and certain examples were presented to the carriers. The survey on cruise itineraries has been shared with the Sea Carriers community to gather their feedback. The feedback deadline has been extended until 9 June 2023. Currently, 9 carriers have already provided their feedback. For questions on the FAQ or SOP documents, Frontex asked carriers to contact: ETIAS.ACU1@frontex.europa.eu.
5. Q&A	During the Q&A session, the Commission provided the following clarifications to the questions raised: The Commission clarified that truck drivers who are not involved in passenger transportation are not considered "carriers" and therefore do not need to query the Carrier Interface. However, it was reiterated that these

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drivers must still obtain an ETIAS Travel Authorisation if they are nationals of countries falling under the scope of ETIAS.

Regarding the implementation of a S2S communication, it was confirmed that all passengers to whom single-double entry visa checks apply will be submitted as mandatory. Subsequently, this process will be extended to include passengers subject to the ETIAS requirement. In cases where EES provides a "NOT OK" response, the Commission advised that these passengers, along with others receiving the same response, should be added to the manual verification list at the check-in stage.

Furthermore, it was emphasised that passengers holding multiple entry Schengen visas will need to undergo manual checks during the initial months. The Commission assured that these passengers, along with all other non-EU nationalities, may be included in the S2S query, but will result in a "NOT OK" response from EES. To accommodate this, carriers were advised to ensure that these passengers are added directly to the manual verification list during the check-in process.

Lastly, concerning the carriers' request to the MS regarding potential penalties in cases where visas are requested upon arrival, this must be checked with MS as they are responsible for penalties. COM has reminded them in committees of the requests coming from carriers so that they are aware of the issue.

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Carriers Working Group of 15 May 2023

Summary

Subject: Monthly Carriers Working Group meeting

Air Carriers at 13:00– 16:00 CET

Participants: Carriers representing air industry, their service providers, carrier associations, European Commission (DG HOME), Member State (MS) experts, Frontex and eu-LISA (altogether 135 participants).

1. Introduction **a. Agenda** **b. Carriers meeting calendar**	eu-LISA presented the agenda of the 23rd Carriers Working Group (WG) and the calendar of the upcoming meetings to the participants. The WG took note of the Carrier WG meeting calendar with the dates of upcoming meetings until December 2023. The next Carriers WG meeting will take place on 5 July; and there will be three more meetings until the end of the year, respectively, on 18 September, 24 October and 5 December 2023. Additionally, ad-hoc meetings can be organised upon request and eu-LISA kindly requests the topics proposed to be discussed to be shared with the Agency in advance. eu-LISA notified the carriers that the onboarding and support service has been reinstated. Carriers are welcome to send their questions, as well as suggestions for further improvements of the service to the functional mailbox carriers_onboarding@eulisa.europa.eu.
2. Legal updates (European Commission)	The Commission and eu-LISA informed the WG that the project timelines are currently under discussion, not only for EES but also for ETIAS, due to the existing dependencies. Neither EES nor ETIAS will enter into operation before next year. The decisions are expected after the JHA Council meeting scheduled for 8-9 June. The Agency will inform the carriers on the decisions taken.

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	Moreover, the Commission notified the carriers that *ad hoc* meetings will continue to take place as requested by carriers, their associations and other relevant entities.
	eu-LISA informed the WG about their *ad-hoc* meeting with IATA, held on 5 May, and some of its members exploring specific aspects of the PAXLST and the implementation of the message format for sending certain types of itineraries. Various points were identified by both parties for further exploration and discussion between IATA members, the Commission and eu-LISA. At this stage, no outcomes have been shared, as there are multiple points that require further deliberation. However, eu-LISA intends to provide updates on the outcomes to the WG once the discussions have progressed.
	eu-LISA clarified the accessibility to the *ad hoc* meetings for carriers. The participation depends on the meeting's nature and relevance to specific carriers. If the topics are of interest to the entire community, the meeting will be initiated with the requesting carriers, and the outcomes will be shared in Carrier WG meetings for wider understanding and discussion. In some cases, smaller expert communities may convene to analyse specific implementation aspects.
3. Technical updates (eu-LISA)	The presentation on technical updates by eu-LISA covered key aspects related to EES and ETIAS objectives deriving from the legal framework, the scope of the third country nationals to whom they checks will apply, the evolution of the Carrier Interface, cargo carriers' obligations and fallback procedures. Carriers were reminded of the need to check the validity of single and double entry visas (obligation deriving from EES legal framework) and ETIAS travel authorisations (obligation deriving from ETIAS legal framework). The stamping will be replaced by registering electronically the entry and exit of a third country national to whom EES applies. eu-LISA also presented the evolution of the Carrier Interface.
	It was also clarified that cargo carriers are subject to the EES and ETIAS Regulations. Cargo carriers must query the carrier interface to verify the visa or authorisation status of the transported individuals. However, cargo carriers that exclusively transport goods and not passengers are generally exempt from these obligations. Cargo carriers must comply with the query requirements when transporting visa-required travellers or individuals with ETIAS authorisations into European countries, as long as they profit from these transportation activities. Other categories of carriers, such as those operating within European countries only, carriers transporting travellers outside of EES countries, carriers without plans to transport travellers to EES or ETIAS countries in the near future, or carriers transporting travellers

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	by train and river, are generally not bound by the EES and ETIAS Regulations.

eu-LISA noted that the Carrier Interface will not encompass at entry-into-operation the service of verification of the authorised remaining stay of the third-country nationals in the response provided to the carriers. The interface will provide a reply only whether the single or double entry visa has been consumed at that stage. The check on the authorised remaining stay will be implemented only after the go-live of VIS recast. At that phase, also other categories of travellers will be added such as non-EU nationals to hold long-stay visas, residence permits, transit visas and multiple-entry visas.

The eu-LISA presentation also outlined the fallback procedure for carriers facing technical impossibilities in using the System-to-System connection with MQ or REST. These fallback procedures provide alternative solutions in such cases.

Regarding the question raised by the carriers about the response to a PAXLST message when the passenger holds a visa that is not covered by the Carrier Interface, it was clarified that the system will only have information about visas within the scope of the CI. In the case of a visa that falls outside this scope, the response received will be a 'NOT OK EES'. Two options were presented to address this situation. The first option is to conduct manual verification to ensure the validity of the visa. The second option is to explicitly send a query indicating that the visa is out of scope. |
| **4. Carriers and Travellers Support – Operational updates (Frontex)** | Frontex informed the WG about their support to carriers and shared the latest operational updates. Regarding the carriers support, Frontex outlined the legal basis for the assistance provided to carriers, which consists of the Regulations (EU) 2018/1240 (ETIAS) and 2017/2226 (EES) and their Implementing Regulations (EU) 2022/1380 and 2022/1409, respectively.

The support by Frontex is primarily aimed at addressing technical impossibilities faced by carriers in accessing EES/ETIAS data. The ETIAS Central Unit serves as a point of contact for carriers and offers both technical and non-technical / operational assistance. Carriers will be able to submit their requests for support through a web form called the Carrier Onboarding and Support Tool, available on the carrier web portal. In cases where the web form is unavailable, an emergency phone line will be provided as an alternative contact method.

The ETIAS Central Unit will operate 24/7 and will provide support to carriers in English. Non-technical requests will be addressed by directing carriers to relevant information available in the FAQ section. For technical issues, the |

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	ETIAS Central Unit will forward the requests to eu-LISA, which will be responsible for providing technical assistance to carriers. Regarding the Operational Updates, Frontex announced that the 4th version of the FAQ document eu-LISA - Working Group for Carriers (europa.eu) has been published, certain examples were presented to the carriers. For questions on the FAQ or SOP documents, Frontex asked carriers to contact: ETIAS.ACU1@frontex.europa.eu. In addition, Frontex acknowledged Carriers' suggestion to implement a marking system in future updates of the FAQs and expressed the intention to incorporate this feature in upcoming versions of the FAQs.
5. Business Aviation (eu-LISA, European Commission)	No questions were raised by the Business Aviation sector.
6. Q&A	Concerning ETIAS, IATA asked whether the assumption that the ETIAS entry into operation (EiO) will take place six (6) months after the EES EiO is still correct. The Commission and eu-LISA explained that the discussion on timelines is ongoing and the six-month rule is not fixed. Furthermore, the entry-into-operation of ETIAS also depends on the most suitable timing considering the tourism season. As regards the question on how to handle the extensions of the Schengen states residence permits (many of which are applicable for entry only for specific Schengen states directly from outside the Schengen area), it was agreed that the airline that raised the question will provide some examples to the Commission. The latter will come back to this topic after internal clarification with the Units responsible.

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