

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

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1 This Regulation establishes a ‘European Travel Information and Authorisation System’ (ETIAS) for third-country nationals exempt from the requirement to be in possession of a visa when crossing the external borders (‘the visa requirement’) enabling consideration of whether the presence of those third-country nationals in the territory of the Member States would pose a security, illegal immigration or high epidemic risk. For this purpose, a travel authorisation and the conditions and procedures to issue or refuse it are introduced.

2 This Regulation lays down the conditions under which Member States’ designated authorities and Europol may consult data stored in the ETIAS Central System for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences falling under their competence.

[^{F13} By storing identity data and travel document data in the common identity repository (CIR) established by Article 17(1) of Regulation (EU) 2019/817 of the European Parliament and of the Council⁽¹⁾, ETIAS contributes to facilitating and assisting in the correct identification of persons registered in ETIAS under the conditions and for the purposes of Article 20 of that Regulation.]

Textual Amendments

- F1** Inserted by [Regulation \(EU\) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations \(EC\) No 767/2008, \(EU\) 2016/399, \(EU\) 2017/2226, \(EU\) 2018/1240, \(EU\) 2018/1726 and \(EU\) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.](#)

Article 2

Scope

- 1 This Regulation applies to the following categories of third-country nationals:
- a nationals of third countries listed in Annex II to Council Regulation (EC) No 539/2001⁽²⁾ who are exempt from the visa requirement for intended stays in the territory of the Member States of a duration of no more than 90 days in any 180-day period;

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- b persons who, pursuant to Article 4(2) of Regulation (EC) No 539/2001, are exempt from the visa requirement for intended stays in the territory of the Member States of a duration of no more than 90 days in any 180-day period;
- c third-country nationals who are exempt from the visa requirement and who fulfil the following conditions:
 - (i) they are family members of a Union citizen to whom Directive 2004/38/EC applies or of a national of a third country enjoying 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
 - (ii) they do not hold a residence card pursuant to Directive 2004/38/EC or a residence permit pursuant to Regulation (EC) No 1030/2002.

2 This Regulation does not apply to:

- a refugees or stateless persons or other persons who do not hold the nationality of any country who reside in a Member State and who are holders of a travel document issued by that Member State;
- b third-country nationals who are family members of a Union citizen to whom Directive 2004/38/EC applies and who hold a residence card pursuant to that Directive;
- c third-country nationals who are family members of a third-country national enjoying a 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 who hold a residence card pursuant to Directive 2004/38/EC or a residence permit pursuant to Regulation (EC) No 1030/2002;
- d holders of residence permits referred to in point 16 of Article 2 of Regulation (EU) 2016/399;
- e holders of uniform visas;
- f holders of national long-stay visas;
- g nationals of Andorra, Monaco and San Marino and holders of a passport issued by the Vatican City State or the Holy See;
- h nationals of third countries who are holders of a local border traffic permit issued by the Member States pursuant to Regulation (EC) No 1931/2006 of the European Parliament and of the Council⁽³⁾ when such holders exercise their right within the context of the Local Border Traffic regime;
- i persons or categories of persons referred to in points (a) to (f) of Article 4(1) of Regulation (EC) No 539/2001;
- j third-country nationals holding diplomatic or service passports who have been exempted from the visa requirement pursuant to an international agreement concluded by the Union and a third country;
- k persons who are subject to a visa requirement pursuant to Article 4(3) of Regulation (EC) No 539/2001;
- l third-country nationals exercising their right to mobility in accordance with Directive 2014/66/EU⁽⁴⁾ or (EU) 2016/801⁽⁵⁾ of the European Parliament and of the Council.

Article 3

Definitions

1 For the purposes of this Regulation, the following definitions apply:

- (1) 'external borders' means the external borders as defined in point 2 of Article 2 of Regulation (EU) 2016/399;
- (2) 'law enforcement' means the prevention, detection or investigation of terrorist offences or other serious criminal offences;
- (3) 'second line check' means a second line check as defined in point 13 of Article 2 of Regulation (EU) 2016/399;
- (4) 'border authority' means the border guard assigned in accordance with national law to carry out border checks as defined in point 11 of Article 2 of Regulation (EU) 2016/399;
- (5) 'travel authorisation' means a decision issued in accordance with this Regulation which is required for third-country nationals referred to in Article 2(1) of this Regulation to fulfil the entry condition laid down in point (b) of Article 6(1) of Regulation (EU) 2016/399 and which indicates:
 - (a) that no factual indications or reasonable grounds based on factual indications have been identified to consider that the presence of the person on the territory of the Member States poses or will pose a security, illegal immigration or high epidemic risk;
 - (b) that no factual indications or reasonable grounds based on factual indications have been identified to consider that the presence of the person on the territory of the Member States poses or will pose a security, illegal immigration or high epidemic risk, although doubt remains concerning the existence of sufficient reasons to refuse the travel authorisation, in accordance with Article 36(2);
 - (c) where factual indications have been identified to consider that the presence of the person on the territory of the Member States poses or will pose a security, illegal immigration or high epidemic risk, that the territorial validity of the authorisation has been limited in accordance with Article 44; or
 - (d) where factual indications have been identified to consider that the presence of the person on the territory of the Member States poses or will pose a security risk, that the traveller is the subject of an alert in SIS on persons for discreet checks or specific checks or of an alert in SIS on persons wanted for arrest for surrender purposes on the basis of an European Arrest Warrant or wanted for arrest for extradition purposes, in support of the objectives of SIS referred to in point (e) of Article 4;
- (6) 'security risk' means the risk of a threat to public policy, internal security or international relations for any of the Member States;
- (7) 'illegal immigration risk' means the risk of a third-country national not fulfilling the conditions of entry and stay as set out in Article 6 of Regulation (EU) 2016/399;
- (8) 'high epidemic risk' means any disease with epidemic potential as defined by the International Health Regulations of the World Health Organization (WHO) or the European Centre for Disease Prevention and Control (ECDC) and other infectious diseases or contagious parasitic diseases if they are the subject of protection provisions applying to nationals of the Member States;
- (9) 'applicant' means any third-country national referred to in Article 2 who has submitted an application for a travel authorisation;

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- (10) ‘travel document’ means a passport or other equivalent document entitling the holder to cross the external borders and to which a visa may be affixed;
- (11) ‘short stay’ means stays in the territory of the Member States within the meaning of Article 6(1) of Regulation (EU) 2016/399;
- (12) ‘overstayer’ means a third-country national who does not fulfil, or no longer fulfils the conditions relating to the duration of a short stay on the territory of the Member States;
- (13) ‘app for mobile devices’ means a software application designed to run on mobile devices such as smartphones and tablet computers;
- (14) ‘hit’ means the existence of a correspondence established by comparing the personal data recorded in an application file of the ETIAS Central System with the specific risk indicators referred to in Article 33 or with the personal data present in a record, file or alert registered in the ETIAS Central System, in another EU information system or database listed in Article 20(2) (‘EU information systems’), in Europol data or in an Interpol database queried by the ETIAS Central System;
- (15) ‘terrorist offence’ means an offence which corresponds or is equivalent to one of the offences referred to in Directive (EU) 2017/541;
- (16) ‘serious criminal offence’ means an offence which corresponds or is equivalent to one of the offences referred to in Article 2(2) of Framework Decision 2002/584/JHA, if it is punishable under national law by a custodial sentence or a detention order for a maximum period of at least three years;
- (17) ‘Europol data’ means personal data processed by Europol for the purpose referred to in point (a) of Article 18(2) of Regulation (EU) 2016/794;
- (18) ‘electronically signed’ means the confirmation of agreement through the ticking of an appropriate box in the application form or the request for consent;
- (19) ‘minor’ means a third-country national or a stateless person below the age of 18 years;
- (20) ‘consulate’ means a Member State’s diplomatic mission or a Member State’s consular post as defined by the Vienna Convention on Consular Relations of 24 April 1963;
- (21) ‘designated authority’ means an authority designated by a Member State pursuant to Article 50 as responsible for the prevention, detection or investigation of terrorist offences or of other serious criminal offences;
- (22) ‘immigration authority’ means the competent authority responsible, in accordance with national law, for one or more of the following:
- (a) checking within the territory of the Member States whether the conditions for entry to, or stay on, the territory of the Member States are fulfilled;
 - (b) examining the conditions for, and taking decisions related to, the residence of third-country nationals on the territory of the Member States insofar as that authority does not constitute a ‘determining authority’ as defined in point (f) of Article 2 of Directive 2013/32/EU of the European Parliament and of the Council⁽⁶⁾, and, where relevant, providing advice in accordance with Council Regulation (EC) No 377/2004⁽⁷⁾;
 - (c) the return of third-country nationals to a third country of origin or transit^[F2;]

- (23) [F1‘CIR’ means the common identity repository established by Article 17(1) of Regulation (EU) 2019/817;
- (24) ‘ESP’ means the European search portal established by Article 6(1) of Regulation (EU) 2019/817;
- (25) ‘ETIAS Central System’ means the Central System referred to in point (a) of Article 6(2) together with the CIR to the extent that the CIR contains the data referred to in Article 6(2a);
- (26) ‘identity data’ means the data referred to in points (a), (b) and (c) of Article 17(2);
- (27) ‘travel document data’ means the data referred to in points (d) and (e) of Article 17(2) and the three letter code of the country issuing the travel document as referred to in point (c) of Article 19(3).]

2 The terms defined in Article 2 of Regulation (EC) No 45/2001 shall have the same meaning in this Regulation insofar as personal data are processed by the European Border and Coast Guard Agency and eu-LISA.

3 The terms defined in Article 4 of Regulation (EU) 2016/679 shall have the same meaning in this Regulation insofar as personal data are processed by the authorities of Member States for the purposes laid down in points (a) to (e) of Article 4 of this Regulation.

4 The terms defined in Article 3 of Directive (EU) 2016/680 shall have the same meaning in this Regulation insofar as personal data are processed by the authorities of the Member States for the purposes laid down in point (f) of Article 4 of this Regulation.

Textual Amendments

- F1** Inserted by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.
- F2** Substituted by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.

Article 4

Objectives of ETIAS

By supporting the competent authorities of the Member States, ETIAS shall:

- (a) contribute to a high level of security by providing for a thorough security risk assessment of applicants, prior to their arrival at external border crossing points, in order to determine whether there are factual indications or reasonable grounds based on factual indications to conclude that the presence of the person on the territory of the Member States poses a security risk;

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- (b) contribute to the prevention of illegal immigration by providing for an illegal immigration risk assessment of applicants prior to their arrival at external border crossing points;
- (c) contribute to the protection of public health by providing for an assessment of whether the applicant poses a high epidemic risk within the meaning of point 8 of Article 3(1) prior to his or her arrival at external border crossing points;
- (d) enhance the effectiveness of border checks;
- (e) support the objectives of SIS related to alerts on third-country nationals subject to a refusal of entry and stay, alerts on persons wanted for arrest for surrender purposes or extradition purposes, alerts on missing persons, alerts on persons sought to assist with a judicial procedure and alerts on persons for discreet checks or specific checks;
- (f) contribute to the prevention, detection and investigation of terrorist offences or of other serious criminal offences^[F2];
- (g) ^[F1]contribute to the correct identification of persons.]

Textual Amendments

- F1** Inserted by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.
- F2** Substituted by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.

Article 5

General structure of ETIAS

ETIAS consists of:

- (a) the ETIAS Information System as referred to in Article 6;
- (b) the ETIAS Central Unit as referred to in Article 7;
- (c) the ETIAS National Units as referred to in Article 8.

Article 6

Establishment and technical architecture of the ETIAS Information System

1 The European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice ('eu-LISA') shall develop the ETIAS Information System and ensure its technical management.

2 The ETIAS Information System shall be composed of:

- [^{F2}a a Central System, including the ETIAS watchlist referred to in Article 34;]
- [^{F1}aa the CIR;]
- b a national uniform interface (NUI) in each Member State based on common technical specifications and identical for all Member States enabling the ETIAS Central System to connect to the national border infrastructures and to the central access points in Member States referred to in Article 50(2) in a secure manner;
 - c a communication infrastructure between the ETIAS Central System and the NUIs which shall be secure and encrypted;
- [^{F2}d a secure communication infrastructure between the Central System and the central infrastructures of the ESP and the CIR;]
- e a public website and an app for mobile devices;
 - f an email service;
 - g a secure account service enabling applicants to provide any additional information or documentation required;
 - h a verification tool for applicants;
 - i a tool enabling applicants to give or withdraw their consent for an additional retention period of their application file;
 - j a tool enabling Europol and Member States to assess the potential impact of entering new data into the ETIAS watchlist on the proportion of applications that are manually processed;
 - k a carrier gateway;
 - l a secure web service enabling the ETIAS Central System to communicate with the public website, the app for mobile devices, the email service, the secured account service, the carrier gateway, the verification tool for applicants, the consent tool for applicants, the payment intermediary and the Interpol databases;
 - m software enabling the ETIAS Central Unit and the ETIAS National Units to process applications and to manage consultations with other ETIAS National Units as referred to in Article 28 and with Europol as referred to in Article 29;
 - n a central repository of data for the purposes of reporting and statistics.
- [^{F1}2a The CIR shall contain the identity data and travel document data. The remaining data shall be stored in the Central System.]

3 The ETIAS Central System, the NUIs, the web service, the carrier gateway and the communication infrastructure of ETIAS shall to the extent technically possible share and re-use the hardware and software components of the EES Central System, of the EES National Uniform Interfaces, of the EES web service and of the EES Communication Infrastructure referred to in Regulation (EU) 2017/2226.

4 The Commission shall adopt delegated acts in accordance with Article 89 in order to define the requirements of the secure account service referred to in point (g) of paragraph 2 of this Article.

Textual Amendments

- F1** Inserted by [Regulation \(EU\) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations \(EC\) No 767/2008, \(EU\) 2016/399, \(EU\) 2017/2226, \(EU\) 2018/1240, \(EU\) 2018/1726 and \(EU\) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.](#)

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F2 Substituted by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.

Article 7

ETIAS Central Unit

1 An ETIAS Central Unit is hereby established within the European Border and Coast Guard Agency.

2 The ETIAS Central Unit shall be operational 24 hours a day, 7 days a week. It shall have the following responsibilities:

- a in cases where the automated application process has reported a hit, verifying in accordance with Article 22 whether the applicant's personal data correspond to the personal data of the person having triggered that hit in the ETIAS Central System, including the ETIAS watchlist referred to in Article 34, any of the EU information systems that are consulted, Europol data, any of the Interpol databases referred to in Article 12, or the specific risk indicators referred to in Article 33, and where a correspondence is confirmed or where doubts remain, launching the manual processing of the application as referred to in Article 26;
- b ensuring that the data it enters in the applications files are up to date in accordance with the relevant provisions of Articles 55 and 64;
- c defining, establishing, assessing *ex ante*, implementing, evaluating *ex post*, revising and deleting the specific risk indicators as referred to in Article 33 after consultation of the ETIAS Screening Board;
- d ensuring that the verifications performed in accordance with Article 22 and the corresponding results are recorded in the application files;
- e carrying out regular audits of the processing of applications and of the implementation of Article 33, including by regularly assessing their impact on fundamental rights, in particular with regard to privacy and personal data protection;
- f indicating, where necessary, the Member State responsible for the manual processing of applications as referred to in Article 25(2);
- g in cases of technical problems or unforeseen circumstances, facilitating where necessary the consultations between Member States referred to in Article 28 and between the Member State responsible and Europol referred to in Article 29;
- h notifying carriers in cases of a failure of the ETIAS Information System as referred to in Article 46(1);
- i notifying the ETIAS National Units of the Member States of a failure of the ETIAS Information System as referred to in Article 48(1);
- j processing requests for consultation of data in the ETIAS Central System by Europol as referred to in Article 53;
- k providing the general public with all relevant information in relation to the application for a travel authorisation as referred to in Article 71;
- l cooperating with the Commission as regards the information campaign referred to in Article 72;

- m providing support in writing to travellers who have encountered problems when filling in the application form and have requested assistance through a standard contact form; maintaining a list of frequent questions and answers available online;
 - n ensuring follow-up and regularly reporting to the Commission on reported abuses by commercial intermediaries as referred to in Article 15(5).
- 3 The ETIAS Central Unit shall publish an annual activity report. That report shall include:
- a statistics on:
 - (i) the number of travel authorisations issued automatically by the ETIAS Central System;
 - (ii) the number of applications verified by the ETIAS Central Unit;
 - (iii) the number of applications processed manually per Member State;
 - (iv) the number of applications that were refused by third country and the grounds for the refusal;
 - (v) the extent to which the deadlines referred to in Article 22(6) and Articles 27, 30 and 32 have been met.
 - b general information on the functioning of the ETIAS Central Unit, its activities as set out in this Article and information on current trends and challenges affecting the conduct of its tasks.

The annual activity report shall be transmitted to the European Parliament, the Council and the Commission by 31 March of the following year.

Article 8

ETIAS National Units

- 1 Each Member State shall designate a competent authority as the ETIAS National Unit.
- 2 The ETIAS National Units shall be responsible for:
- a examining and deciding on applications for travel authorisation where the automated application process has reported a hit and the manual processing of the application has been initiated by the ETIAS Central Unit;
 - b ensuring that the tasks performed under point (a) and the corresponding results are recorded in the application files;
 - c ensuring that the data they enter in the application files are up to date in accordance with the relevant provisions of Articles 55 and 64;
 - d deciding to issue travel authorisations with limited territorial validity as referred to in Article 44;
 - e ensuring coordination with other ETIAS National Units and Europol concerning the consultation requests referred to in Articles 28 and 29;
 - f providing applicants with information regarding the procedure to be followed in the event of an appeal under Article 37(3);
 - g annulling and revoking a travel authorisation as referred to in Articles 40 and 41.
- 3 Member States shall provide the ETIAS National Units with adequate resources for them to fulfil their tasks in accordance with the deadlines set out in this Regulation.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/1240 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

Article 9

ETIAS Screening Board

1 An ETIAS Screening Board with an advisory function is hereby established within the European Border and Coast Guard Agency. It shall be composed of a representative of each ETIAS National Unit, of the European Border and Coast Guard Agency and of Europol.

2 The ETIAS Screening Board shall be consulted:

- a by the ETIAS Central Unit on the definition, establishment, assessment *ex ante*, implementation, evaluation *ex post*, revision and deletion of the specific risk indicators referred to in Article 33;
- b by Member States on the implementation of the ETIAS watchlist referred to in Article 34;
- c by Europol on the implementation of the ETIAS watchlist referred to in Article 34.

3 The ETIAS Screening Board shall issue opinions, guidelines, recommendations and best practices for the purposes referred to in paragraph 2. When issuing recommendations, the ETIAS Screening Board shall take into consideration the recommendations issued by the ETIAS Fundamental Rights Guidance Board.

4 The ETIAS Screening Board shall meet whenever necessary, and at least twice a year. The costs and servicing of its meetings shall be borne by the European Border and Coast Guard Agency.

5 The ETIAS Screening Board may consult the ETIAS Fundamental Rights Guidance Board on specific issues related to fundamental rights, in particular with regard to privacy, personal data protection and non-discrimination.

6 The ETIAS Screening Board shall adopt rules of procedure at its first meeting by a simple majority of its members.

Article 10

ETIAS Fundamental Rights Guidance Board

1 An independent ETIAS Fundamental Rights Guidance Board with an advisory and appraisal function is hereby established. Without prejudice to their respective competences and independence, it shall be composed of the Fundamental Rights Officer of the European Border and Coast Guard Agency, a representative of the consultative forum on fundamental rights of the European Border and Coast Guard Agency, a representative of the European Data Protection Supervisor, a representative of the European Data Protection Board established by Regulation (EU) 2016/679 and a representative of the European Union Agency for Fundamental Rights.

2 The ETIAS Fundamental Rights Guidance Board shall perform regular appraisals and issue recommendations to the ETIAS Screening Board on the impact on fundamental rights of the processing of applications and of the implementation of Article 33, in particular with regard to privacy, personal data protection and non-discrimination.

The ETIAS Fundamental Rights Guidance Board shall also support the ETIAS Screening Board in the execution of its tasks when consulted by the latter on specific issues related to fundamental rights, in particular with regard to privacy, personal data protection and non-discrimination.

The ETIAS Fundamental Rights Guidance Board shall have access to the audits referred to in point (e) of Article 7(2).

3 The ETIAS Fundamental Rights Guidance Board shall meet whenever necessary, and at least twice a year. The costs and servicing of its meetings shall be borne by the European Border and Coast Guard Agency. Its meetings shall take place in premises of the European Border and Coast Guard Agency. The secretariat of its meetings shall be provided by the European Border and Coast Guard Agency. The ETIAS Fundamental Rights Guidance Board shall adopt rules of procedure at its first meeting by a simple majority of its members.

4 One representative of the ETIAS Fundamental Rights Guidance Board shall be invited to attend the meetings of the ETIAS Screening Board in an advisory capacity. The members of the ETIAS Fundamental Rights Guidance Board shall have access to the information and files of the ETIAS Screening Board.

5 The ETIAS Fundamental Rights Guidance Board shall produce an annual report. The report shall be made publicly available.

Article 11

Interoperability with other EU information systems

1 Interoperability between the ETIAS Information System, other EU information systems and Europol data shall be established to enable the verification referred to in Article 20.

2 The amendments to the legal acts establishing the EU information systems that are necessary for establishing their interoperability with ETIAS as well as the addition of corresponding provisions in this Regulation shall be the subject of a separate legal instrument.

Article 12

Querying the Interpol databases

The ETIAS Central System shall query the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (TDAWN). Any queries and verification shall be performed in such a way that no information shall be revealed to the owner of the Interpol alert.

Article 13

Access to data stored in ETIAS

1 Access to the ETIAS Information System shall be reserved exclusively for duly authorised staff of the ETIAS Central Unit and of the ETIAS National Units.

2 Access by border authorities to the ETIAS Central System in accordance with Article 47 shall be limited to searching the ETIAS Central System to obtain the travel authorisation status of a traveller present at an external border crossing point and to the data referred to in points (a), (c) and (d) of Article 47(2). In addition, border authorities shall be informed automatically of the flags referred to in Article 36(2) and (3) and of the reasons for the flags.

When exceptionally, according to a flag, a second line check is recommended at the border or additional verifications are needed for the purpose of a second line check,

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border authorities shall access the ETIAS Central System to obtain the additional information provided for in point (e) of Article 39(1) or point (f) of Article 44(6).

3 Access by carriers to the ETIAS Information System in accordance with Article 45 shall be limited to sending queries to the ETIAS Information System to obtain the travel authorisation status of a traveller.

4 Access by immigration authorities to the ETIAS Central System in accordance with Article 49 shall be limited to obtaining the travel authorisation status of a traveller present on the territory of the Member State, and to certain data as referred to in that Article.

Access by immigration authorities to the ETIAS Central System in accordance with Article 65(3) shall be limited to the data referred to in that Article.

[^{F1}4a Access to the ETIAS identity data and travel document data stored in the CIR shall also be reserved exclusively for the duly authorised staff of the national authorities of each Member State and for the duly authorised staff of the Union agencies that are competent for the purposes laid down in Article 20 and Article 21 of Regulation (EU) 2019/817. Such access shall be limited according to the extent that the data are required for the performance of their tasks for those purposes, and proportionate to the objectives pursued.]

[^{F2}5 Each Member State shall designate the competent national authorities referred to in paragraphs 1, 2, 4 and 4a of this Article and shall communicate a list of these authorities to eu-LISA without delay, in accordance with Article 87(2). That list shall specify for which purpose the duly authorised staff of each authority shall have access to the data in ETIAS Information System in accordance with paragraphs 1, 2, 4 and 4a of this Article.]

Textual Amendments

- F1** Inserted by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.
- F2** Substituted by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.

Article 14

Non-discrimination and fundamental rights

Processing of personal data within the ETIAS Information System by any user shall not result in discrimination against third-country nationals on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. It shall fully respect human dignity and integrity and fundamental rights, including the right to respect for one's private life and to the protection of personal data. Particular attention shall be paid to children, the elderly and persons with a disability. The best interests of the child shall be a primary consideration.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/1240 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2018/1240 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

- (1) ^[F1]Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA (OJ L 135, 22.5.2019, p. 27).]
- (2) Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, p. 1).
- (3) Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 405, 30.12.2006, p. 1).
- (4) Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27.5.2014, p. 1).
- (5) Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).
- (6) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).
- (7) Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1).

Textual Amendments

- F1** Inserted by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA.

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) 2018/1240 of the European Parliament and of the Council, CHAPTER I.