

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 VIII

USE OF ETIAS BY BORDER AUTHORITIES AT THE EXTERNAL BORDERS

Article 47

Access to data for verification at the external borders

1 The border authorities competent for carrying out border checks at external border crossing points in accordance with Regulation (EU) 2016/399 shall consult the ETIAS Central System using the data contained in the machine-readable zone of the travel document.

2 The ETIAS Central System shall respond by indicating:

- a whether or not the person has a valid travel authorisation, and in the case of a travel authorisation with limited territorial validity issued under Article 44, the Member State(s) for which it is valid;
- b any flag attached to the travel authorisation under Article 36(2) and (3);
- c whether the travel authorisation will expire within the next 90 days and the remaining validity period;
- d the data referred to in points (k) and (l) of Article 17(2).

3 Where the travel authorisation is due to expire within the next 90 days, the border authorities shall inform the holder of that travel authorisation of the remaining validity period, of the possibility to submit an application for a new travel authorisation even during a stay on the territory of Member States, and of the obligation to be in possession of a valid travel authorisation for the entire duration of a short stay. That information shall be provided either by the border guard at the moment of the border checks or by means of equipment installed at the border crossing point enabling the third-country national to consult the verification tool referred to in Article 31. The information shall in addition be provided through the public website referred to in Article 16. The ETIAS Central System shall also automatically provide the holder of a travel authorisation with the same information via the email service.

4 Where the ETIAS Central System responds by indicating a flag attached to a travel authorisation under Article 36(2), the border authorities shall proceed to a second line check. For the purposes of the second line check they shall be authorised to consult the additional information added to the application file in accordance with point (e) of Article 39(1) or point (f) of Article 44(6).

Where the ETIAS Central System responds by indicating a flag referred to in Article 36(3) and where additional verifications are needed, border authorities may 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).

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 VIII. (See end of Document for details)

Article 48

Fall-back procedures in the case of a technical impossibility to access data at the external borders

1 Where it is technically impossible to proceed with the consultation referred to in Article 47(1) because of a failure of any part of the ETIAS Information System, the ETIAS Central Unit shall notify the border authorities and the ETIAS National Units of the Member States.

2 Where it is technically impossible to perform the search referred to in Article 47(1) because of a failure of the national border infrastructure in a Member State, the border authorities shall notify the ETIAS Central Unit and that Member State's ETIAS National Unit. The ETIAS Central Unit shall then immediately inform eu-LISA and the Commission.

3 In both cases referred to in paragraphs 1 and 2 of this Article, the border authorities shall follow their national contingency plans. In accordance with Regulation (EU) 2016/399, the national contingency plan may authorise the border authorities to derogate temporarily from the obligation to consult the ETIAS Central System referred to in Article 47(1) of this Regulation.

4 The Commission shall, by means of implementing acts, adopt model contingency plans for the cases referred to in paragraphs 1 and 2 of this Article, including the procedures to be followed by border authorities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 90(2). Member States shall adopt their national contingency plans using the model contingency plans as a basis, to be adapted as necessary at the national level.

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 VIII.