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AVIS DU COMITÉ DES ÉVALUATIONS D'IMPACT

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL AND THE COMMITTEE OF THE REGIONS**

**On an entry/exit system at the external borders of the European Union, facilitation of
border crossings for *bona fide* travellers, and an electronic travel authorisation system**

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Opinion

Title **Impact Assessment on: Communication on the creation of an entry/exit system at the external borders of the EU and on facilitating border crossings for bona fide travellers – RESUBMISSION**

(draft version of 6 December 2007)

Lead DG **DG JLS**

1) Impact Assessment Board Opinion

(A) Context

The creation of an automated entry/exit system has been discussed as a possible policy option in several EU documents: Communication on improved effectiveness, enhanced interoperability and synergies among European databases in the area of Justice and Home Affairs (2005), The Policy Plan on Legal Migration (2005), The Communication on Policy Priorities in the fight against illegal immigration of third-country nationals (2006) and the EU Action Plan on Combating Terrorism (2006). The setting up of a Registered Traveller programme has been raised in the 2006 Communication as well as in the 2005 Communication on EU-US Partnership.

(B) Positive aspects

The IA report gives a clear presentation of the options, inter alia by highlighting key differences between them. Furthermore, the report provides good and detailed information about the reporting and monitoring arrangements.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG.

General recommendation: This IA report has been improved compared to the previous version examined by the Board. It would benefit, however, from giving preliminary indications on the broad range of costs of the creation of the new system, providing clearer explanations as regards the actual and potential sanctions,

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improving the baseline description and the internal coherence of the comparison of options and clarifying the definition of economic migration. These comments were broadly accepted by DG JLS during its meeting with the Board.

(1) Preliminary indications on the broad range of costs of the creation and maintenance of the new system should be provided. Likely needs for border control staff should be incorporated into a more comprehensive cost assessment in addition to investments in hardware, software and physical infrastructure. While announcing a more detailed estimate for later, some first indications of these costs should already be provided and additionally costs and time taken to develop the currently existing systems (Visa Information System and Schengen Information System I and II) should be used as background/reference information.

(2) It should be clarified whether sanctions on overstaying are proposed. The IA report should clarify how this initiative relates to existing and proposed legislation on sanctions, and whether it might lead to a proposal to harmonise sanctions, for instance as regards re-entry refusal in case of overstaying. In this context, the main arguments for and against the imposition of sanctions should be indicated, including the risk that such sanctions might deter people from leaving the EU through formal routes after an overstay.

(3) The baseline should be clarified and the scoring and comparison of options should be more coherent. As developments in infrastructure for managing cross border flows are already underway, the IA report should make it clear whether they are part of the baseline "status quo" scenario. Moreover, the report needs to be corrected for the incoherence between apparently using the status quo (incl. action already decided and under implementation) as benchmark in table 1 whereas the report explicitly states that options are compared against the current situation (p.33). It should also be clarified upfront whether all options are independent or are linked in some way (e.g. registered traveller programme to compensate the increased waiting times at the border resulting from the introduction of an entry/exit system).

(4) The claimed contribution to better management of economic migration should be clarified. The IA report should more clearly explain and define the problem of managing economic migration, in particular by clarifying whether the concept of (legal) "economic migration" also covers (potentially illegal) migration for economic or other reasons, in particular family reunifications. Moreover, it should be clarified how this initiative will contribute to better management of the Schengen area beyond providing data on overstayers.

(D) Procedure and presentation

The IA report should present in more detail the views and main policy orientations expressed by Member States, especially on the issue of implementation costs. The report should also clarify that the accompanying Communication does not necessarily represent the Commission final proposal, but rather fits into ongoing consultations with Member States on creating an entry/exit system and introducing a registered traveller programme.

2) IAB scrutiny process

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Author DG	JLS-B-1
External expertise used	No
Date of Board Meeting	12 December 2007
Date of adoption of Opinion	14 December 2007 The present opinion concerns a resubmitted draft IA report. The first opinion was issued on 4 December 2007.

