

SENATE OF THE REPUBLIC  
SEVENTEENTH PARLIAMENTARY TERM

DOC. XVIII

No 184

**RESOLUTION OF THE FIRST STANDING COMMITTEE**

**(Constitutional affairs, affairs of the Prime Minister's Office and home affairs, general legal system  
of the State and the civil service)**

*(Rapporteur REPETTI)*

*Approved at the session of 28 February 2017*

ON THE

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
ESTABLISHING A EUROPEAN TRAVEL INFORMATION AND AUTHORISATION SYSTEM (ETIAS) AND  
AMENDING REGULATIONS (EU) NO 515/2014, (EU) 2016/399, (EU) 2016/794 AND (EU) 2016/1624  
(COM (2016) 731 final)**

*pursuant to Article 144(1) and (6) of the Rules of Procedure*

**Sent to the President's Office on 2 March 2017**

*Parliamentary acts*

*Senate of the Italian Republic*

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The Committee,

having examined the Proposal for a Regulation pursuant to Article 144(1) and (6) of the Rules of Procedure,

first noting that:

in its Communication of 14 September 2016 to the European Parliament, the European Council and the Council 'Enhancing security in a world of mobility: improved information exchange in the fight against terrorism and stronger external borders' (COM (2016) 602), the European Commission confirmed the need to strike the right balance between ensuring mobility and enhancing security, while facilitating legal entry into the Schengen area without the need for a visa;

moreover, the Commission reports, the number of third-country nationals exempt from the visa requirement for Schengen countries will continue to grow;

the proposal is part of EU measures to prevent irregular migration and guarantee increased internal security,

whereas:

the proposed Regulation would establish 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 EU's external borders, making it possible to determine whether their presence in the territory of the Member States poses a risk in terms of irregular migration, security or public health;

it introduces a travel authorisation and the conditions and procedures for issuing or refusing such authorisations;

to render the system operational, the proposal provides for a central ETIAS unit within the European Border and Coast Guard Agency and a competent authority in each Member State;

it lays down the conditions under which Member States' law enforcement authorities and the European Police Office (Europol) may consult data stored in the ETIAS Central System for the purposes of preventing, detecting and investigating terrorist offences or other serious criminal offences falling within their sphere of responsibility.

also given that:

the legal basis of the proposal has been correctly identified as Articles 77(2)(b) and (d), 87(2)(a) and 88(2)(a) TFEU;

the proposal complies with the principle of subsidiarity, since its objective, i.e. to make it possible to verify in advance whether visa-exempt third-country nationals intending to enter EU territory may pose risks for public safety, cannot be adequately pursued by the Member States acting alone;

in accordance with the principle of proportionality, the proposal for a Regulation does not go beyond what is necessary, in terms of action at EU level, to pursue the defined objectives,

issues a favourable opinion.

**OPINION OF THE 14th STANDING COMMITTEE**

(EUROPEAN UNION POLICIES)

(Rapporteur: COCIANCICH)

1 March 2017

The Committee, having examined the document,

whereas the proposal seeks to establish 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 EU's external borders, for the purposes of determining whether their presence in the territory of the Member States poses a risk in terms of irregular migration, security or public health. The European Border and Coast Guard Agency will be responsible for setting up and managing the Central Unit of ETIAS;

whereas, in particular, under the proposal:

- applicants must lodge an application by filling in an online application form and paying EUR 5, sufficiently in advance of any intended travel, using an IT system to be developed by the European Border and Coast Guard Agency (eu-LISA), along the lines of the current ESTA system for access to the USA;
- when the application is submitted, the ETIAS Central System will automatically compare the data entered with the data in the ETIAS Central System, the Schengen Information System (SIS), the Entry/Exit System (EES), the Visa Information System (VIS), Eurodac, the European Criminal Records Information System (ECRIS), Europol data, the Interpol Stolen and Lost Travel Document database (SLTD) and the Interpol Travel Documents Associated with Notices database (Interpol TDAWN);
- where the automated processing does not give rise to any hit, the ETIAS Central System will automatically issue a travel authorisation; applications may also be processed manually by the competent Member State (the Member State of first entry declared by the applicant);
- where manual examination is carried out, the competent Member State must refuse authorisation if it transpires from the first automated hit that the travel document has been lost, stolen or invalidated, or if the applicant is subject to a refusal-of-entry alert;
- in other cases of automated hits, the competent State may ask the applicant for additional information, to be supplied within seven working days, and will consult the other Member States and/or Europol, as relevant, which must reply within 24 hours. The competent Member State must assess the risk in terms of irregular migration, security and public health and decide whether to issue or refuse a travel authorisation within 72 hours of submission of

the initial application or of the additional documents requested. The applicant has the right to appeal against a refusal;

- the travel authorisation will be valid for five years or until the end of validity of the travel document registered during application, whichever comes first, and will be valid for the territory of the Member States, although it does not confer an automatic right of entry;
- each application file must be kept in the ETIAS Central System for the period of validity of the travel authorisation, in accordance with the rules on personal data protection, and will then be automatically erased;
- an additional amount of EUR 96.5 million is earmarked for the Internal Security Fund (ISF), to be allocated in full to the Member States to ensure that the ETIAS Central System is implemented quickly and effectively;
- the Commission is given new powers to adopt delegated acts, including the power to establish additional types of automatic cross checks on applications to identify any irregular migration, security or public health risks, as specified in Article 28(2) of the proposal;
- in order to prevent, detect and investigate terrorist offences or other serious criminal offences, Member States must designate the law enforcement authorities which are entitled to make reasoned requests to consult the data recorded in the ETIAS Central System;

having examined the Government's report, transmitted pursuant to Article 6(4) and (5) of Law No 234 of 2012;

comments favourably, for matters within its remit, highlighting the following points:

the legal basis has been correctly identified as Article 77(2)(b) and (d) of the Treaty on the Functioning of the European Union (TFEU), which provide that measures concerning checks at external borders and the gradual establishment of an integrated management system for external borders are to be adopted under the ordinary legislative procedure, and Article 87(2)(a) and Article 88(2)(a) TFEU, which provide for the same procedure for measures concerning the collection and handling of data by Europol and Member States' law enforcement authorities;

the proposal complies with the principle of subsidiarity, since the objective of establishing a system for checking visa-exempt persons when they cross the Schengen borders cannot be achieved by the Member States acting individually, as the system needs to be the same for all the territory in the Schengen area;

it also complies with the principle of proportionality, since it does not go beyond what is strictly necessary to achieve this objective. Even access to these data for the purpose of combating terrorism or other serious offences is allowed only under specified conditions and in any case in compliance with the rules on the protection of personal data;

welcomes the proposal overall, as it will allow coverage of a situation not currently subject to personalised checks in order to reduce irregular immigration and security risks;

however, the proposal could give a more important role to the carriers, both at the stage of preparation for travel, by introducing information requirements concerning the need to submit an application for an ETIAS authorisation, and at the checking stage, where travellers are not in possession of the ETIAS authorisation at the time of travel;

the relevant Committee should also consider whether the five-year period of validity of the authorisation should be reduced, partly in view of the fact that the USA's ESTA authorisation is valid for only two years;

lastly, the European Commission should be called upon to assess whether the number of applications for authorisations is disproportionately concentrated on certain Member States of first entry and, if so, it should provide for the burden to be redistributed and so shared by the other Member States.