



Brussels, 26.9.2016  
C(2016) 5782 final

*Dear President,*

*The Commission would like to thank the Camera Deputaților for its Opinion on the proposal for a Regulation establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011 {COM(2016)194 final} and on the Communication from the Commission to the European Parliament and the Council – 'Stronger and Smarter Information Systems for Borders and Security' {COM(2016) 205 final}.*

*The Commission welcomes the Camera Deputaților's support for the new elements introduced by the legislative proposal, which forms part of the broader 'Smart Borders Package,' and addresses the role of information systems in enhancing external border management, internal security and the fight against terrorism and organised crime.*

*The Commission appreciates the contributions of Member States to the implementation of the pilot project conducted in 2015 and in particular the participation of Romania which enabled specific tests to be performed under a range of conditions and environments.*

*The Commission has taken note of the Camera Deputaților's request for clarification regarding certain aspects of the proposal and is pleased to have this opportunity to provide a number of clarifications that it trusts will respond to the Camera Deputaților's request.*

*The Commission welcomes the support of the Camera Deputaților for the aims and objectives of the Communication on Stronger and Smarter Information Systems for Borders and Security. Concerning its remark about the required analysis of interoperability from a technical, operational, legal and financial point of view, the Commission would like to point out that this analysis is foreseen in the Communication.*

*As to the scope of the Entry/Exit System (recital 51, Article 2), the Commission would like to remind the Camera Deputaților that the main purpose of the Entry/Exit System is to assess if a traveller respects the condition of staying a maximum of 90 days within any 180-day period*

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*within the Schengen area. Therefore, the scope of the Entry/Exit System is limited to third country nationals admitted for a short stay in the territory of the Member States.*

*As regards the method for calculating the duration of the stay of third country nationals (Article 10(4)) and the information mechanism (Article 11), the proposed Entry/Exit System would be applicable to all the Members of the Schengen area, including to those Member States which are not yet applying in full the Schengen acquis at the date of the start of operations of the Entry/Exit System.*

*The Entry/Exit System will generate a list of "overstayers", that is to say of third country nationals whose stay does not comply with the condition of staying a maximum of 90 days within any 180-day period. In accordance with Romania's Act of Accession, and as long as Romania does not apply the Schengen acquis in full, stays in Romania should not be taken into account for the calculation of the duration of the authorised stay in the Schengen area. As a consequence, a third country national whose name would be included in this list cannot be at the same time physically present on the territory of Romania. Indeed, her/his presence in Romania would mean that she/he has left the territory of those Member States applying the Schengen acquis in full and she/he is no longer an overstayer.*

*As regards the Camera Deputaţilor's calls for combatting identity document fraud, the Communication announces that 'the Commission will present measures to enhance electronic document security and ID management and to strengthen the fight against document fraud'. The Commission intends to present these measures by the end of this year.*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Camera Deputaţilor and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans*

*First Vice-president*

*Dimitris Avramopoulos*

*Member of the Commission*