SOME ASPECTS REGARDING THE EUROPEAN ENTRY/EXIT-SYSTEM (EES)

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Abstract:
The European Entry-Exit System (EES), a digital platform intended to gradually replace the classic passport stamping for non-EU citizens travelling to the Schengen area, was launched on October 12th, 2025 and became fully operational throughout the EU on April 10th, 2026.
The EES is an automated IT system that registers travels at the external borders of the Schengen area. Specifically, it is aimed at third-country nationals - persons who are not citizens of a member state of the European Union, of the European Economic Area (EEA) or Switzerland, who enter or leave the Schengen area, for short stays without a residence permit. For these travellers, there are changes to the border control process. The EES largely replaces the manual stamping of passports, as the travellers' biometric data are collected electronically.
Keywords: *Schengen area, registration, entry-exit system, access, security*

1. Preamble

The European Union has launched *The Digital Entry/Exit System (EES)* since the 12th of October 2025. The transition to the new system has been gradual, with appropriate information and assistance at all border crossing points. The EU Entry/Exit System (EES) has been in use throughout the EU since the 10th of April 2026.

This new digital border protocol was designed to modernize EU c, prevent visa overstays and identify potential security risks. Since its initial testing phase, the system has detected over 24,000 people who tried to enter with fraudulent documents or for unjustified reasons.[1]

The EES is one of the measures taken under the EU Common Foreign and Security Policy and contributes to achieving the objectives of the European Agenda on Security and the European Agenda on Migration, in particular as regards border management and the prevention of cross-border crime and terrorism.

A chronological analysis of events shows that the proposal for the EES was made by the European Commission as early as 2016 (April 6th 2016), as part of the revised Smart Borders package. Following negotiations with the European Parliament and the Council, an agreement was reached in July 2017. Thus, the EES Regulation [2], together with a specific amendment to the Schengen Borders Code, were adopted on the 20th of November 2017 and entered into force on the 29th of December 2017.

The European Commission proposed the introduction of a gradual start of operations for the Entry/Exit System (EES) on the 4th of December 2024. On the 19th of May 2025, the European Parliament and the Council reached an agreement, (EU) Regulation 2025/1534 on temporary derogations from certain provisions of (EU) Regulations 2017/2226 and (EU) 2016/399. As for the gradual start of the Entry/Exit System, it was adopted on the 18th of July and entered into force on the 26th of July 2025.

Immediately after this stage, on the 30th of July 2025, the Commission set October 12th 2025 as the launch date for the progressive start of operations of the Entry/Exit System (EES), the system becoming fully operational on the 10th of April 2026.

2. The need for the Entry-Exit System (EES)

The Entry/Exit System (EES) is an automated information system that allows the registration of third-country nationals - persons who are not nationals of a member state of the European Union, the European Economic Area (EEA) or Switzerland - travelling for a short stay, each time they cross the external borders of any of the European countries using the system.

For the purposes of the (EU) Regulation 2017/2226 [3], which ensures the implementation and operation of the EES, a "*third-country national*" (TCN) is a traveller who is not a national of any country of the European Union or of Switzerland, Iceland, Liechtenstein or Norway. Also, a "*short-term stay*" is considered to be a stay of up to 90 days in any 180-day period, calculated as a single period for all European countries using the EES.

The use of the EES brings a number of benefits both for the EU as a whole and for each Schengen member state, such as modern and more efficient border controls, in the sense that the EES will gradually replace the stamping of passports with a digital system

that records the entry and exit of travellers, so that border controls will be carried out more quickly and staff will work more efficiently. Border crossings are expected to be simpler and faster with the EES, with travellers waiting less time at the border thanks to faster checks, self-service options and the possibility to provide their information in advance.

An important aspect that the new system aims to address is the prevention of irregular migration [4], as people entering and exiting the Schengen area will be monitored using fingerprint and facial data to prevent people from overstaying their legal stay, using false identities or abusing the visa-free travel regime.

It also ensures increased security in the Schengen area, providing access for border guards and law enforcement authorities to important information on travellers, on which basis they can identify security risks and contribute to the fight against serious crime and terrorism. [5]

The (EU) Regulation 2017/2226, in Article 2(3), lists the categories of persons exempted from the application of the EES. These categories refer to nationals of European countries using the EES and those of Cyprus and Ireland, third-country nationals who hold a residence permit and have a direct link to an EU national. Also included in the category of exceptions are third-country nationals who hold a residence permit and have a direct link to a third-country national who can travel throughout Europe in the same way as an EU citizen, third-country nationals who travel to Europe as part of a transfer within the same company or for the purposes of research, studies, vocational training, voluntary service, student exchange programmes or educational projects and au pair work.

Furthermore, to the above-mentioned categories are added holders of residence permits and long-stay visas, nationals of Andorra, Monaco and San Marino and holders of a passport issued by the Vatican City State or the Holy See, persons who are exempt from border checks or who have been granted certain privileges with regard to border checks (such as heads of state, accredited diplomats, cross-border workers, etc., diplomats travelling for a short period may be exempted from registration in the EES under certain conditions), persons who are not required to cross the external borders only at border crossing points and only during established working hours, holders of a valid local border traffic permit; crew members of passenger and freight trains operating international

connecting routes, persons holding a rail transit facilitation document or a valid transit facilitation document, provided that they travel by train and do not get off anywhere on the territory of an EU member state [6].

The exemption from registration in the EES also applies to members of the armed forces travelling in the framework of NATO or Partnership for Peace actions, who hold an identification document and an individual or collective travel order as provided for in the Agreement between the States Parties to the North Atlantic Treaty on the Status of their Forces and may concern the civilian component or dependents referred to in the NATO Agreement on the Status of Forces.

The exemption applies to NATO international civilians established in any of the 29 European countries using the EES and their dependents.

The Entry-Exit-System is used in 29 European countries: 25 of the 27 EU member states and four European Free Trade Association Member States (Switzerland, Liechtenstein, Iceland and Norway). These countries are: Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland.

One thing to note is that the EES regulations also apply to UK citizens entering the EU space for a short-term stay of up to 90 days.

3. Typology of data collected and stored by the EES

The efficient functioning [7] of the EES involves the collection, recording and storage of information contained in a person's travel document (full name, date of birth, etc.), date and place of each entry and exit, biometric data (facial image and fingerprints), refusal of entry (if applicable). Based on the collected biometric data, biometric templates will be created and stored in the Shared Biometric Matching Service (Shared BMS) [8]. In the event that the person holds a short-stay visa to enter the Schengen area, their fingerprints will no longer be stored in the EES as they are already found in the Visa Information System (VIS). [9]

In addition, depending on the individual's situation, the system may also collect personal information from the Visa Information System (VIS) [10], which is operational and contains additional personal information, or from the European Travel Information and Authorisation System (ETIAS) - usable from the last quarter of 2026, with a transition period of at least six months - in particular the ETIAS [11] travel authorisation status and, where applicable, the status of a family member of an EU national.

It should be noted that the collection of this data and information is based on the applicable data protection rules and rights. [12] Thus, upon first entry, biometric data will be collected, and on subsequent trips the verification will be carried out automatically, thus reducing the waiting time at the border. The data will be kept for 3 years (or 5 years in the event of refusal of entry or exceeding the legal duration of stay), in strict compliance with European data protection legislation.

The purpose of collecting and processing data in the EES is to strengthen the efficiency of the management of external borders, prevent irregular migration, facilitate the management of migration flows, and identify travellers who do not have the right to enter or who have overstayed their authorised stay. [13] The identification of travellers using false identities or passports is also added, as is the support for the prevention, detection and investigation of terrorist offences and other serious criminal offences. These are carried out [14] in accordance with (EU) Regulation 2017/2226 of the European Parliament and of the Council, in particular with Articles 14, 16-19 and 23 of Chapters II and III. This Regulation also stipulates the conditions for the collection and storage of personal data in the EES.

With regard to crossing the external borders of European countries implementing the EES for a short stay (set at a maximum of 90 days in any 180-day period), written information on the EES and related rights shall be provided to those concerned. The refusal of the person to provide biometric data shall lead to refusal of entry into the territory of European countries implementing the EES.

The information stored in the EES is protected against misuse, with access only to staff with specific functions within national authorities. Thus, access to the personal data collected is allowed to border authorities and authorities responsible for visas and immigration in European countries using the EES, for the purpose of verifying the identity

of a person and deciding whether to allow entry or stay on their territory, as well as to law enforcement authorities in countries using the EES and Europol, for the purpose of ensuring compliance with the law.

The data may not be transferred to third parties, whether public or private entities, except in precisely identified cases. Under strict conditions, the data may be transferred to another EU or non-EU country or to an international organisation, as set out in Annex I to (EU) Regulation 2017/2226: UN organisations (such as UNHCR, the International Organisation for Migration (IOM) or the International Committee of the Red Cross for return purposes [15]. It was considered that carriers would only be able to check whether short-stay visa holders have already used the number of entries authorised by their visa and would not be able to access other personal data.

The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) [16] is responsible for ensuring the operation of the EES in accordance with applicable law. Moreover, there are strong safeguards for the effective protection of the rights of individuals in relation to their personal data. If the individual is a national of a third country to which the EES applies, he or she has the right to request access to the data or to request the rectification, completion or erasure of data in the EES.

The EES has been developed in accordance with the principle of data protection from the moment of its conception and, implicitly, this principle also applies during its operation. As such, the system is supervised both by the European Data Protection Supervisor [17] and by independent national supervisory authorities in each participating country. Full respect for fundamental rights and data protection rules requires that technological and IT systems are well designed and used correctly.

The shared biometric matching service (shared BMS) [18] will store biometric templates, which are a mathematical representation of the biometric data stored in the Visa Information System, in the EES and in other EU information systems. These allow searches using biometric data. The system is designed to guarantee data security through secure storage and regulated access controls, ensuring that personal data are safe and accessed appropriately. The sBMS will significantly improve the accuracy of identification and verification of individuals, strengthening security and controls at EU

borders, as well as improving the management of visas and asylum applications [19]. In practice, the EES uses the shared BMS for its interoperability with the VIS.

The EES Central System shall perform biometric identification and searches based either on the flat fingerprints of four fingers (index finger, middle finger, ring finger and little finger) or on the flat fingerprints of four fingers combined with the real-time facial image and using only biometric data that meet the applicable quality thresholds. It shall also perform biometric searches using the real-time facial image combined with dactyloscopic data.

4. Effects of the application of the EES system

The new European rules on smart borders were adopted in 2017, but their implementation was postponed for years, being fully applied only in April 2026.

It is important to note that the EES does not change the conditions for entry into the European Union, as border authorities can still carry out additional checks if necessary. There are also a few exceptions: in countries such as Cyprus and Ireland, passports will still be stamped manually.

Individuals have the right to receive information from passport control officers on the maximum number of days of authorized stay remaining. The online tool or equipment installed at some border crossing points can also be used.

If the number of days of authorised stay is exceeded, the system will identify him/her as an “overstayer” and his/her data will be automatically added to a list. State authorities using the EES - passport control officers, immigration officers and visa issuing staff - have access to this list.

If the person’s name is added to the list of overstayers, there may be other consequences, depending on the national law in force in the respective European country using the EES. These consequences include: removal from the territory of that country, administrative fines, deprivation of liberty or refusal of future entry into the EU territory.

If the legal period of stay is exceeded, but the person provides credible evidence to the competent authorities (border authorities or immigration authorities, etc.) regarding possible unforeseen or mitigating circumstances (e.g. hospitalization due to a serious

injury), the data can be modified in the system and the person's name can be removed from the list [20].

The calculation of the duration of authorised stay and the generation of alerts to member states using the EES when the authorised stay has expired shall not apply to third-country nationals who are family members of EU, EEA or Swiss nationals, who travel to or are already resident in a State other than their State of nationality and who accompany or join the EU, EEA or Swiss national.

In addition to the Entry/Exit System, the European Travel Information and Authorisation System (ETIAS) is expected to be introduced in the European Union in the last quarter of 2026. The ETIAS system issues an electronic travel authorisation for visa-exempt third-country nationals, which must be applied for before travelling [21]. Similar systems are already in place for travels to the USA (ESTA - Electronic System for Travel Authorisation) or the UK (ETA - Electronic Travel Authorisation).

Where a member state rectifies or completes the EES data of a third-party national included in the list, restricts the processing of such data or erases such data, the corresponding data on the list shall be amended accordingly or, where appropriate, erased from the list by the EES without delay and through an automated process. The immigration authorities shall be responsible for accessing the list of persons identified by the EES as having overstayed.

The EES shall make available to the immigration authorities, in the form of a report, a continuously updated list of persons identified by the EES as having overstayed their authorised stay. The respective report shall be securely stored in the National Uniform Interface (NUI) [22]. The EES shall control access to the report at the level of this interface, so as to ensure that only the immigration authorities may access and consult it and keep a record of all data processing operations carried out.

5.Conclusions

It is worth noting that the EES, which applies to third-country nationals who require a short-stay visa to travel to European countries using the EES or who do not require a visa to travel for a short stay to European countries using the EES, does not change the

conditions for entry into the European Union, with border authorities still being able to carry out additional checks if necessary.

The implementation of the EES brings a number of clear advantages for travellers. First of all, waiting times at the border are reduced, thanks to the automation of processes. The elimination of stamps in the passport simplifies formalities, and the possibility of pre-registration (where available) contributes to a faster experience. At the same time, the system helps prevent fraud and increase the level of security in the European space.

Twelve member states have not yet completed the necessary preparations for the implementation of the migration reform, including the development of the infrastructure required for the new border checks. Other countries have faced problems with the functioning of the biometric database [23] that will be used within the system. European public opinion [24] has become even more critical of the migration phenomenon since the adoption of the reforms, leading member states to call for additional measures to manage this phenomenon, and one solution in this regard was precisely the implementation of the European Entry-Exit System (EES), as a modern control instrument at the external border of the Schengen area.

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