



GMS Flash Alert

Immigration Edition

2021-150 | May 26, 2021

European Union - Automation of Border Checks and the Implications

There are several border-crossing developments coming up for 2022 that travellers into the European Union (EU) and Schengen Area should be aware of and prepare themselves for.

In the framework of the European strategy for integrated border management, the EU Commission launched the “Smart Borders” Package in 2013¹. The aim of the package, among other things, is to improve the management of the external borders of the Schengen member states by using smart technologies.

This initiative has already resulted in adoption of several pieces of legislation for the establishment of new registration and authorisation systems that are scheduled to be implemented in 2022.

WHY THIS MATTERS

The automated border checks for entry/exit of third-country nationals through the external borders of the Schengen member states will collect and calculate the length of the authorised short stays electronically, and it will issue an alert to relevant national authorities where there is no exit record by the expiry time. This information is not only relevant in the context of immigration, but for the determination of tax liability, too, both for the individual and the company.

ETIAS (European Travel Information and Authorisation System)

A part of the “Smart Borders” package is the authorisation system ETIAS². Third-country nationals who are exempt from visas will be required to obtain a travel authorisation from ETIAS before they travel to the EU. ETIAS is an online system, and an authorisation from ETIAS will be valid for three years and the cost of an application is EUR 7.

In case travellers do not have an ETIAS authorisation, travellers will be denied boarding on air and sea carriers.

ETIAS was set to go live from 2021, but is postponed and set to be operational from the end of 2022³.

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EES (Entry/Exit System)

A part of the “Smart Borders” package is an automated IT system for registering travellers on short-stay visas and travellers who are exempt from visas each time they cross an external EU border⁴.

EES will replace manual stamping of passports and manual tracking of “over-stayers.” The automated border check is expected to be easier and less time consuming for travellers and the authorities will be notified electronically about travellers who have exceeded the maximum duration of their authorised stay.

EES will register the person’s name, type of travel document, biometric data (fingerprints and captured facial images), and the date and place of entry and exit.

EES is expected to be operational in the first half of 2022.

KPMG NOTE

The automation of the EU’s border checks for third-country nationals will provide precise and immediate information to the authorities about a person’s actual stay in the EU. This information is relevant to the authorities for a range of topics in global mobility, including immigration, liability for income tax, permanent establishment, social security, only to mention a few.

Companies should review and put in place necessary steps to make sure their mobile employees and the company are not exposed to a risk of breaching any laws before EES and ETIAS become operational.

FOOTNOTES:

1 For additional information on Smart Borders, see the European Commission’s April 2016 press release at:

https://ec.europa.eu/commission/presscorner/detail/en/IP_16_1247.

2 More information can be found in our [GMS Flash Alert 2018-146](#), 8 November 2018.

3 For more on ETIAS, see the Commission’s “Migration and Home Affairs” webpage at:

https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/smart-borders/etias_en.

4 For more on EES, see the Commission’s “Migration and Home Affairs” webpage at: [https://ec.europa.eu/home-](https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/smart-borders/ees_en)

[affairs/what-we-do/policies/borders-and-visas/smart-borders/ees_en](https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/smart-borders/ees_en).

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