



PRESS RELEASE

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Technical Notice

Schengen Entry/Exit System and the European Travel Information and Authorisation System

Background

Negotiations with respect to Gibraltar's future relationship with the EU remain ongoing. Until an agreement with the EU enters into force, the Spanish authorities at the land border with Spain, and the Schengen authorities at any other entry point into the Schengen Area, are obliged to treat all non-EU Nationals, including Gibraltarians and other British citizens resident in Gibraltar, as third-country nationals for the purposes of applying Schengen rules on border control.

In this context, this Notice informs the public on the introduction of Schengen's new Entry/Exit System (the "EES") and the introduction of Schengen's new European Travel Information and Authorisation System ("ETIAS"). Both systems are scheduled to enter into force in November 2024, which is likely to be before an EU Treaty is agreed and implemented. The public will be aware that, in line with their Schengen obligations, the Spanish border authorities have commenced the installation of the relevant infrastructure.

As the Government of Gibraltar prepares for all eventualities, including a non-negotiated outcome (NNO), the public should note that Gibraltar would, in the event of a deal with the EU not being reached, enhance its own border control infrastructure providing for the use of e-gates and automated systems which would also process biometric data as is becoming customary at borders across the globe.

General requirements for third-country nationals, including Gibraltarians and British citizens

Before explaining what the requirements of these systems are, the Government wishes to remind the public of the general requirements of the Schengen Borders Code (the "Code") for non-EU citizens crossing the external borders of the Schengen Area. These were explained in detail in the Government's Technical Notice of 18 September 2020.

To summarise, all non-EU Nationals, including Gibraltarians and other British citizens resident in Gibraltar would need to, when entering Spain or any other Schengen State, satisfy the Schengen authorities that they meet the entry conditions set out in the Code. These include:



- (a) being in possession of a valid passport extending at least three months after the intended date of departure from the Schengen Area and which has been issued within the previous 10 years;
- (b) being able to justify the purpose and conditions of the intended stay in the Schengen Area and having sufficient means of subsistence, both for the duration of the intended stay in the Schengen Area and for returning to Gibraltar;
- (c) not having been in the Schengen Area for more than 90 days in any 180-day period; and
- (d) in future, being in possession of an ETIAS pre-authorisation (see further below).

For the purposes of checking that these entry conditions are met, the Schengen authorities are obliged to conduct “thorough checks”, which would be systematic, both on entry to and exit from the Schengen Area. Therefore, should negotiations with the EU not be successfully concluded, holders of Gibraltar identity cards may be subjected to the same questioning at the land border with Spain, or at other entry points to the Schengen Area, as that which British citizens who are holders of Gibraltar civilian registration cards are currently being subjected to. The outcome of this questioning could lead to refusals of entry to Spain and the Schengen Area for those who, in the eyes of the Schengen authorities, including the Spanish authorities at the land border with Spain, do not meet the entry conditions set out in the Code.

The EES and ETIAS

For non-EU citizens, including Gibraltarians and British citizens resident in Gibraltar, the EES and ETIAS would have a significant impact on processes for crossing the external borders of the Schengen Area, including the land border between Gibraltar and Spain.

- **What is the EES?**

The EES is an automated IT system for registering travellers from outside of the Schengen Area, including Gibraltarians and British citizens resident in Gibraltar, each time they cross an external border of the Schengen Area, both on entry and exit.

The EES is expected to be launched early November 2024. Once launched, persons to whom the EES applies will need to scan their passports and provide biometric data (i.e. fingerprints and captured facial images) at an automated self-service kiosk prior to crossing the border. The EES will then hold a record of individual travellers’ names, biometric data and the dates and places of entry and exit electronically. The EES will, therefore, effectively replace the current practice of manually stamping passports to be able to calculate time spent in the Schengen Area.

The EES will be operated, by the Schengen authorities, at all external borders of the Schengen Area including the land border between Gibraltar and Spain.

It is understood that biometric data will only need to be provided the first time a traveller crosses into the Schengen Area, after the EES has been launched, when creating a first individual



registration on the EES. That would be the case whether the traveller first crosses into the Schengen Area via the land border with Spain or via any other entry point into the Schengen Area.

The Government expects that initial registration on the new EES system is likely to cause border delays. Thereafter, the process should not in theory result in significant delays, as EES provides for facial recognition, meaning that people do not have to use e-Gates. However, delays crossing the border remain a possibility if facial recognition facilities are not installed.

It should also be noted that the EES, for persons who travel in vehicles, can identify up to four passengers per vehicle, so should not in theory cause additional delays. While the exact nature of EES infrastructure at the land border remains unclear, these concerns are not unique to Gibraltar. Operators of other external border crossing points of the Schengen Area, including, for instance, those at the Port of Dover and the Eurotunnel terminal in Folkestone, are equally expecting long delays for initial registration on the system and adjusting to a new process.

- What is ETIAS?

Separate to the EES, ETIAS is a new travel pre-authorisation scheme which is expected to become operational in mid-2025. ETIAS establishes a requirement for non-EU citizens, not residing in a Schengen State who do not require a visa to enter the Schengen Area, to obtain a pre-authorisation in advance of travel to the Schengen Area. Gibraltarians and British citizens resident in Gibraltar would, therefore, require this pre-authorisation in order to enter Spain and the Schengen Area. Since the ETIAS mid-2025 launch date is linked to the EES becoming operational in October 2024, it is possible that, if use of the EES is delayed, ETIAS would also enter into force later than expected.

It is understood that to obtain this pre-authorisation, applications will need to be made online or via a mobile app to a centralised Schengen system. Information provided by applicants in support of their application will be screened against security information systems operated by the Schengen States. According to the EU, a travel authorisation should be issued within minutes in most cases. However, where there are reasons for further enquiries to be made in relation to individual applications, pre-authorisation processes would take longer.

Once a person intending to travel to the Schengen Area obtains this pre-authorisation, it will last for three years or until the holder's passport expires (whichever is sooner). It is therefore not the case, for instance, that someone travelling to Spain from Gibraltar will need to apply for pre-authorisation each time they wish to cross the border.

To apply for pre-authorisation, an application fee of €7 would need to be paid. There is, however, no fee for under-18s and over-70s.

ETIAS will be similar to the ESTA system for travel to the USA, where visitors pay a one-off fee (currently \$21) for a travel authorisation which lasts for two years.



Further information

As and when the EES launch date is formally announced, and as we approach that date, the Government will provide further information with regard to the implementation of the EES at the land border with Spain and how the status of our negotiations with the EU may affect this.

However, if a treaty with the EU is arrived at, it is expected that Gibraltarians, British citizens and other non-EU citizens resident in Gibraltar would be exempt from both the EES and ETIAS, certainly from the point that that agreement enters into force.

Note: This Technical Notice is purely informative. It summarises HM Government of Gibraltar's interpretation of legislation which does not apply to Gibraltar and which is ultimately implemented by foreign authorities. For this reason, the information contained in this Notice should be treated as guidance.

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