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CM 3981/18

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WRITTEN PROCEDURE

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Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (2016/0357A COD)

– Adoption of the legislative act (LA + S)

– Outcome of the written procedure initiated by CM 3975/18

I am pleased to inform you that the written procedure relating to the adoption of the Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 was completed today, **5 September 2018**, with all delegations agreeing¹. The statements submitted are given in the Annex hereto.

¹ The United Kingdom, Ireland and Denmark are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.

Joint statement by the European Parliament and the Council

The costs for the operation and maintenance of the ETIAS Information System, the ETIAS Central Unit and the ETIAS National Units, will be covered entirely by the revenues generated by the fees. The fee should therefore be adapted as necessary, having regard to the costs. This includes both costs incurred by EU Member States and those incurred by Schengen Associated Countries in this regard, in accordance with the provisions of the ETIAS Regulation. The costs incurred in connection with the development of the ETIAS Information System, the integration of the existing national border infrastructure and the connection to the National Uniform Interface as well as the hosting of the National Uniform Interface and the set-up of the ETIAS Central Unit and ETIAS National Units, including those incurred by EU Member States as well as Schengen Associated Countries, will be borne by the Internal Security Fund (Borders and Visa) respectively its successor(s).

Therefore, these costs should not be considered for the calculation of the contribution of the Schengen Associated Countries to ETIAS under the respective Association Agreement and the relevant specific arrangements for the participation of the Schengen Associated Countries in the agencies. This should be taken into account in particular in the context of the negotiations on the successor(s) to the Internal Security Fund (Borders and Visas) and the specific arrangements for the participation of the Schengen Associated Countries therein.

The European Parliament and the Council call on the Commission to present a proposal on the specific arrangements provided for in Article 95 of this Regulation without delay after its adoption.

Declaration by Belgium, Germany, Denmark and Sweden on article 86 of the regulation establishing a European Travel and Information and Authorisation System (ETIAS)

The wording of article 86 of the ETIAS-regulation reads:

“The revenues generated by the ETIAS shall constitute internal assigned revenue in accordance with Article 21(4) of Regulation (EU, EURATOM) No 966/2012. They shall be assigned to cover the costs of the operation and maintenance of the ETIAS. Any revenue remaining after covering these costs shall be assigned to the Union budget.”

While acknowledging the possibility to specify revenue as internal assigned revenue in the EU-budget according to article 21(4) of the financial regulation, Belgium, Germany, Denmark and Sweden would like to highlight the special character of the agreement to define fees generated by ETIAS as internal assigned revenue in the EU-budget, also considering that these fees could have constituted revenue for Member States.

As such, Belgium, Germany, Denmark and Sweden would like to clarify that the current agreement should be seen as a pragmatic solution for financing operational and maintenance costs for the ETIAS by fees generated. At the same time, Belgium, Germany, Denmark and Sweden consider that the revenue remaining after covering these costs is only assigned to the EU-budget in the sense that they increase the general revenue of the EU-budget and that the agreement doesn't provide for any possibility to use remaining revenue for other expenditures in the EU-budget. Belgium, Germany, Denmark and Sweden ask the Commission to take this into consideration in future budgetary proposals.

Finally, Belgium, Germany, Denmark and Sweden emphasize that the agreement on article 86 of ETIAS is strictly without prejudice to any future discussions on the financing of the EU-budget, whether this concerns so called internal or external resources, and reminds all parties that such discussions fall under the competency of the Council and are decided with unanimity among Member States.