THE ROLE OF FRONTEX IN THE IMPLEMENTATION OF THE ENTRY/EXIT SYSTEM (EES)[1]

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The European Union (EU) faces the significant challenge of overseeing the external borders of the Schengen Area, which sees millions of non-EU nationals enter each year for purposes such as employment, tourism, and other activities. In response, the EU has established an integrated border management system, significantly enhanced by the creation of the European Border and Coast Guard (EBCG), which has expanded and reinforced responsibilities compared to those of Frontex. Regulation (EU) 2019/1896 strengthened the role of Frontex by giving it responsibility for the coordinated management of the EU's external borders among Member States. This Regulation facilitates and enhances the implementation of European regulations, particularly the Schengen Borders Code, which defines integrated border management in three key areas: border control, border checks, and border surveillance. In response to the growing need to improve internal security and modernise external border management, the European Union (EU) established the Entry/Exit System

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(EES) in 2025. The EES is an EU-wide automated mechanism designed to record the entry and exit of non-residents outside the Schengen Area. While the EES and Frontex have distinct institutional mandates, their functions are complementary. Together, they contribute to strengthening the EU's external security, improving data management and streamlining border control processes. This paper analyses the role of Frontex in the implementation of the Entry/Exit System (EES). Namely, the implementation of the EES represents a significant step in the development of the European border management system, in which Frontex, as a key agency, provides expert support through its knowledge of integrated border management. By recording and analysing biometric and alphanumeric data of non-residents crossing the Schengen borders, the EES not only strengthens security but also shows the EU's commitment to balancing technological innovation with the protection of human rights and facilitating the lawful movement of persons within the Schengen Area.

Keywords: *European Border and Coast Guard Agency (Frontex); European Border and Coast Guard (EBCG); Schengen borders; Entry/Exit System (EES); Integrated Border Management (IBM).*

1. INTRODUCTION

Each year, millions of travellers from third countries cross the external borders of the Schengen Area, the largest free-movement zone in the world, for purposes related to employment or tourism. In addition to officially recorded border crossings, irregular migration constitutes a significant legal challenge, as it represents a breach of applicable legal frameworks and is frequently associated with security risks within the European Union. Consequently, there is a clear need for effective border control and a high level of security at the external borders. With this objective in mind and in accordance with Article 77(1)(c) of the Treaty on the Functioning of the European Union,[2] the European Union was to develop a policy with a view to ensuring the gradual introduction of an integrated management system for external borders.[3] The aforementioned process has been significantly enhanced through the establishment of the European Border and Coast Guard Agency. This development aimed to address unprecedented migratory flows into the Union and the increasing frequency of terrorist attacks

[2] The Treaty on the Functioning of the European Union, Official Journal of the European Union, C 326/47, 26.10.2012, Article 77(1)(c).

[3] The European Integrated Border Management (EIBM) system operates on a four-tier model: measures in third countries, measures with neighbouring third countries, border control measures at the external borders, risk analysis and measures within the Schengen Area and return.

that occurred during the period.[4] The Agency was founded in September 2016 and commenced operations in October 2016 with the objective of enhancing the protection of the external borders and ensuring the restoration of the normal functioning of the Schengen Area.

With a view to addressing migration-related challenges in an adequate and systematic manner, the European Union adopted the EU Pact on Migration and Asylum in 2024. The Pact constitutes a comprehensive legislative framework composed of ten legal acts aimed at reforming, harmonising, and strengthening the European Union's border management, asylum, and migration procedures.[5] As of 12 June 2026, the entire legislative framework adopted under the Pact on Migration and Asylum applies across the European Union. However, the effective implementation of this extensive reform package requires substantial legal and operational adjustments at the national level. In this context, Member States continue to align and further develop their procedures beyond

[4] The large-scale arrival of asylum seekers, predominantly via the Central Mediterranean and Western Balkan routes, exerted considerable pressure on national asylum and border control systems and revealed structural deficiencies in Frontex, particularly with regard to its limited mandate and inadequate human and technical resources. These deficiencies generated institutional and political demands for the reinforcement of the Agency, directly resulting in the transformation and expansion of Frontex into the European Border and Coast Guard (EBCG) in 2016, through the conferral of an enhanced mandate aimed at ensuring the effective protection of the Union's external borders and the improved management of migration flows. In 2014, 2015 and 2016, the Member States of the European Union faced two challenges caused by political crises. Firstly, in the aforementioned years, millions of refugees crossed the borders of the EU. In parallel with the waves of migrants, the number of terrorist attacks increased. In 2015 alone, terrorists who belonged to an operative network of the Islamic State (also referred to as ISIS) claimed 163 lives and caused 350 injuries in terror attacks. A total of 211 terror plots failed, were foiled, or were completed, and 1,077 individuals were arrested for terrorism-related offences. See Europol – European Law Enforcement Agency, European Union Terrorism Situation and Trend Report (TE-SAT) 2016, 20 July 2016, p. 10, https://www.europol.europa.eu/activities-services/main-reports/european-union-terrorism-situation-and-trend-report-te-sat-2016 (accessed 10 December 2025); Bordas, M.; Tomolya, J., Challenges of the 21st Century in European Continent: Terrorism and Migration, *European Scientific Journal*, vol. 18 (2022), no. 16, p. 67.

[5] The Pact seeks to reconcile the principle of solidarity with Member States facing disproportionate migratory pressure and the responsibility borne by Member States of first entry. To that end, it introduces accelerated border screening procedures, more efficient return mechanisms, and a mandatory yet flexible solidarity mechanism designed to ensure a fair distribution of responsibilities among Member States. The Pact rests on four pillars: securing external borders, faster asylum procedures, solidarity between EU countries, and strengthened international partnerships. See https://eur-lex.europa.eu/oj/daily-view/L-series/default.html?&ojDate=22052024 (accessed 11 February 2026).

the initial application date, with ongoing technical and expert support from the European Commission and relevant EU agencies.[6] The agency that plays an integral role in assisting EU Member States in the implementation of the legislative framework constituting the Common European Asylum System is the European Union Agency for Asylum (EUAA).[7]

As a further step towards strengthening security and enhancing border control, the Entry/Exit System (EES) was introduced at the end of 2025. The primary objectives underlying its establishment were the prevention and reduction of irregular migration and the reinforcement of the security of the European Union's external borders. This mechanism directly underpins the objectives of the Pact by facilitating more rigorous and expeditious border screening and return procedures for unauthorised arrivals. The system's full operational deployment is anticipated in the course of 2026. In this context, Frontex is expected to assume a pivotal role in ensuring its effective and coherent implementation in practice.

2. THE SCHENGEN AREA

The Schengen Area was established by the Schengen Agreement signed on 14 June 1985 by Belgium, Germany, France, Luxembourg, and the Netherlands, which agreed to gradually abolish controls at their internal borders. In 1990, the same five Member States signed the Schengen Implementing Convention, which entered into force in 1995.[8] This Convention supplements the original agreement by establishing the detailed arrangements and safeguards necessary for creating

[6] For more, see https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum/questions-and-answers-pact-migration-and-asylum_en (accessed 15 June 2026).

[7] The European Union Agency for Asylum (EUAA), set up in 2022, is a decentralised EU agency that provides operational and technical support and training to the national authorities of EU countries. This helps them implement EU law on asylum and bring greater convergence to asylum proceedings and reception conditions. See https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/search-all-eu-institutions-and-bodies/european-union-agency-asylum-euaa_en (accessed 11 February 2026).

[8] For the full text, see Centre virtuel de la connaissance sur l'Europe (CVCE), The Convention implementing the Schengen Agreement (19 June 1990), https://www.cvce.eu/en/education/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/5e338da3-9078-4baa-93fd-8876a2d70bfd/Resources (accessed 11 February 2026); The Schengen acquis – Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, Official Journal of the European Union, L 239, 22.9.2000.

an area without internal border controls. Together, the Agreement, the Convention, and the related rules and instruments constitute the Schengen acquis.

Over time, Schengen expanded to include more countries, becoming an essential component of European unity. In 1999, the Schengen acquis was incorporated into the EU legal framework, thereby becoming part of EU legislation. Today, 29 European countries participate in the Schengen Area, including 25 of the 27 EU Member States and the four European Free Trade Association countries: Iceland, Liechtenstein, Norway, and Switzerland.[9]

Within the broader EU enlargement process, candidate countries are required to adopt the Schengen governance system. This involves aligning national legislation with all Schengen requirements and developing robust national mechanisms for their effective implementation. Upon accession to the EU, a State becomes bound by the Schengen rules, although certain provisions may apply only at a later stage. These include full access to Schengen information systems, the authority to issue Schengen visas, and the elimination of internal border controls.

On 9 March 2016, Regulation (EU) 2016/399 of the European Parliament and of the Council, known as the Schengen Borders Code, was introduced.[10] This Regulation provides for the absence of border controls on persons crossing internal borders between Member States and sets out the rules governing the control of persons at the external borders of the Union.[11]

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[9] Two European Member States that are not in the Schengen Area are Cyprus and Ireland. Although Cyprus participates in Schengen cooperation, internal border controls have not yet been abolished by the Council. The integration process into the Schengen Area is currently underway. Ireland, on the other hand, is exceptionally allowed by the Schengen Protocol not to apply the Schengen rules ("opt out"), so it continues to enforce its own visa and border policies. Still, given the benefits of Schengen cooperation, Ireland has requested to participate in some Schengen areas, including the Schengen Information System as well as judicial and police cooperation. See https://home-affairs.ec.europa.eu/policies/schengen/schengen-area_en (accessed 1 December 2025).

[10] The regulation has been amended several times, most recently by Regulation (EU) 2024/1717, which seeks to bolster the Schengen Area's resilience to serious threats such as irregular immigration, public health emergencies and the instrumentalisation of migrants, and to adapt the rules accordingly. See Regulation (EU) 2024/1717 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders, Official Journal of the European Union, L 2024/1717, 20.6.2024.

[11] According to Article 2(2) of Regulation (EU) 2016/399, "external borders" refer to Member States' land borders, including river and lake borders, sea borders, as well as their airports, river ports, sea ports, and lake ports, insofar as these are not considered internal borders.

Accordingly, EU citizens have the right to enter and exit the Schengen Area through any Schengen country. To ensure the security of the external borders, they undergo a limited set of checks upon entry and exit, which are conducted efficiently, often with the support of automated border-control gates. The benefits of the Schengen system extend beyond EU citizens. Third-country nationals may also take advantage of it through the Schengen visa, which permits travel to and within the Schengen Area for up to three months within a six-month period, whether for tourism, business, or employment. Nationals of third countries who are subject to visa requirements are obliged to submit an application for a Schengen visa, which is examined and issued by the competent authorities of the Schengen States in accordance with harmonised standards and procedures. Holders of such visas are thereby authorised to enter the Schengen Area and remain subject to the standardised entry and exit checks applicable at the external borders.

Despite numerous advantages, the absence of internal border controls within the Schengen Area has given rise to several security-related challenges, including the need to ensure internal security, to manage migration effectively, and to foster mutual trust and coordination among participating States.

3. FRONTEX

In 2004, at the juncture of the ongoing process of securitisation of asylum and migration, the Member States of the European Union established the Frontex Agency, whose initial mandate was to coordinate the operational management of activities at the Union's external borders by providing support to Member States. The Agency was designed to function by providing technical support and expertise in the management of the external borders, without prejudice to the Member States' exclusive competence for the control and surveillance of their external borders, a principle explicitly reaffirmed in multiple provisions of the founding Regulation.[12]

Only a decade later, the 2015 refugee crisis placed intense and sustained pressure on the European Union's integrated border management (IBM) system, revealing significant structural and operational deficiencies in the Union's external

[12] With the objective of improving procedures and working methods of the Common Unit, Council Regulation (EC) No 2007/2004 of 26 October 2004 led to the establishment of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex). This Regulation was repealed by Regulation (EU) 2016/1624 of 14 September 2016, establishing Frontex, the European Border and Coast Guard Agency.

border controls and in the supplementary support capacities of Frontex. A widespread consensus among legal scholars, EU institutions, and Member States held that Frontex's mandate and operational effectiveness were inadequate to respond to the scale and complexity of irregular migratory pressures. The comprehensive reform of Frontex, culminating in the establishment of the European Border and Coast Guard with reinforced capacities and legal competences, was accordingly regarded as an essential measure for mitigating the crisis and re-establishing orderly and effective management of the Union's external frontiers.[13]

The European Union and its Member States have adopted a range of concrete measures to safeguard Europe's security and to strengthen the protection of the EU's external borders. Firstly, by adopting Regulation (EU) 2016/1624 of the European Parliament and of the Council, concerning the European Border and Coast Guard, along with amending Regulation (EU) 2016/399 and repealing previously enacted regulations (EC No 863/2007 and No 2007/2004, as well as Decision 2005/267/EC), they established the European Border and Coast Guard. Its primary objective was to ensure integrated border management at the Union's external borders, facilitating efficient crossing procedures and addressing migratory challenges, potential threats, and cross-border crime.[14] This framework aimed to enhance internal security within the Union while maintaining the fundamental rights of individuals and safeguarding the free movement of persons. European integrated border management, structured around the fourtier access control model, encompasses a series of measures implemented at different levels: in third countries, for instance under the common visa policy; in cooperation with neighbouring third countries; through border control measures at the external borders; and within the area of free movement, which may include risk analysis and other internal control measures, as well as return procedures within the Schengen Area.[15]

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[13] Tomaszewska, S., The Evolution and Relevance of the European Border and Coast Guard Agency (Frontex) in Shaping the Asylum and Migration Securitization Process in the European Union, *Przegląd Strategiczny*, no. 15, 2022, p. 316.

[14] Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, Official Journal of the European Union, L 251/12, 16.9.2016, Article 1.

[15] Amižić Jelovčić, P.; Siriščević, E., Europska granična i obalna straža – novo jamstvo pomorske sigurnosti (The European Border and Coast Guard, a New Assurance of Maritime Security), in: Amižić Jelovčić, P. *et al*., *Zbornik radova 1. Međunarodne znanstvene konferencije pomorskog prava – ISCML 2016 (Conference Book of Proceedings, 1st International Scientific Conference of Maritime Law, ISCML 2016)*, Pravni fakultet Sveučilišta u Splitu, Split, 2017, pp. 9-38.

The European Border and Coast Guard (EBCG) operates as the successor to Frontex. It comprises the European Border and Coast Guard Agency and the national authorities of Member States responsible for border management, including coast guards when performing border control duties. Compared to Frontex in 2004, the scope and competencies of the EBCG have been broadened.[16] It now boasts an expanded jurisdiction and has introduced liaison officers, vulnerability assessments, fundamental rights officers, and a permanent rapid reaction team equipped to undertake immediate interventions at external borders.[17]

The core tasks of the EBCG, "the new" Frontex, include:

a) Monitoring migratory flows and conducting risk analyses[18] related to all facets of integrated border management;

b) Performing vulnerability assessments, including evaluating the capacity and preparedness of Member States to address threats and challenges at their external borders;

c) Overseeing the management of external borders via liaison officers deployed within Member States;[19]

[16] The first reform of Frontex was adopted in 2007, merely two years following the Agency's establishment. Pursuant to Regulation (EC) No 863/2007, two substantive amendments were introduced to the Agency's legal framework. First, the Regulation clarified the scope of powers exercisable by personnel engaged in Frontex's operational activities (Council Regulation (EC) No 2007/2004; Regulation (EC) No 863/2007). Second, it established the Rapid Border Intervention Teams (RABIT), which Frontex is empowered to deploy at the request of a Member State confronted with "a situation of urgent and exceptional pressure, in particular the arrival at points of the external borders of large numbers of third-country nationals attempting to enter the territory of that Member State irregularly" (Regulation (EC) No 863/2007). Tomaszewska, S., The Evolution…, *op. cit*., p. 315.

[17] Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, Official Journal of the European Union, L 251/12, 16.9.2016, Article 3.

[18] For more, see Tomaszewska, S., The Evolution…, *op. cit*., p. 322.

[19] Frontex Liaison Officers (FLOs) are experts deployed by the European Border and Coast Guard Agency (Frontex) to serve as key contact points with national authorities in EU and non-EU countries, facilitating cooperation, sharing information, and supporting integrated border management, return operations, and risk analysis to enhance EU external border security and migration management. See https://www.frontex.europa.eu/what-we-do/beyond-eu-borders/liaison-officers/ (accessed 14 January 2026).

d) Cooperating with the European Fisheries Control Agency and the European Maritime Safety Agency, within their respective mandates, to support national coast guard functions;[20]

e) Assisting Member States in situations requiring heightened technical and operational support, such as rapid border interventions, including humanitarian emergencies and maritime rescues, in accordance with Union and international law;[21]

f) Establishing and deploying European Border and Coast Guard teams, including a rapid reaction pool, for joint operations, rapid border interventions, and migration management support.[22]

The Agency supports national authorities involved in border and coast guard functions at national, Union, and international levels by sharing, integrating, and analysing available information from reporting systems and other relevant sources; providing surveillance and communication services; enhancing cooperation on border and coast guard operations through operational analysis and risk assessment; and sharing capacities via joint operations and resource pooling.

The supervision of maritime borders is distinct from the surveillance and control exercised over land borders, especially considering that the monitoring of maritime borders is significantly more challenging. The special feature of the national coast guard authorities is that they hold a broad range of special responsibilities, including maritime safety, security, search and rescue, and border control.

[20] National coast guards protect maritime borders, enforce laws, conduct search and rescue, secure ports, and safeguard marine environments. The coast guard can also be described as a maritime organisation established to enforce the laws and regulations to ensure the protection of the interests of the coastal State, combat illegal trafficking, and assist in incidents at sea. Sunko, T.; Mladineo, M.; Kovačić, M.; Mišković, T., Multi-Criteria Analysis of Coast Guard Resource Deployment for Improvement of Maritime Safety and Environmental Protection: Case Study of Eastern Adriatic Sea, *Sustainability*, vol. 16 (2024), no. 17, pp. 1-17.

[21] EU Member States are obliged to put border guards in the "rapid reserve" and are obliged to make them available for deployment upon the request of Frontex, unless they themselves find themselves in an exceptional situation. Article 4 of Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers, Official Journal of the European Union, L 199/30, 31.7.2007.

[22] Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, Official Journal of the European Union, L 251/12, 16.9.2016, Article 8.

Within the European Union, in excess of 300 civilian and military authorities are entrusted with the execution of coast guard functions. It is therefore imperative to establish comprehensive cross-border and cross-sectoral cooperation and coordination among these authorities in order to preclude duplication of efforts and to facilitate the attainment of operational synergies.[23] However, in addition to Frontex, other European agencies are also responsible for safeguarding the interests and security of States at sea, including the European Fisheries Control Agency[24] and the European Maritime Safety Agency.[25] Hence, to enhance maritime situational awareness and ensure coherent, efficient responses, cooperation among the European Border and Coast Guard Agency, the European Fisheries Control Agency, and the European Maritime Safety Agency must be further strengthened.[26]

In the period following the adoption of the Regulation, the EU recognised that its external border management framework required further refinement, particularly in areas such as border control, return policies, combating cross-border crime, and asylum procedures. Therefore, both Regulation (EU) No 1052/2013[27] and Regulation (EU) 2016/1624 were repealed by Regulation (EU)

[23] See https://coastguard.europa.eu/about/introduction (accessed 21 January 2026).

[24] The European Fisheries Control Agency is a European Union agency. The Agency's mission is to promote the highest common standards for control, inspection and surveillance under the CFP. Its primary role is to organise coordination and cooperation between national control and inspection activities so that the rules of the CFP are respected and applied effectively. The Agency, in cooperation with the European Border and Coast Guard Agency and the European Maritime Safety Agency, each within its mandate, supports the national authorities carrying out coast guard functions. See https://www.efca.europa.eu/en/content/mission-and-strategy (accessed 10 December 2025).

[25] EMSA's mission is to serve EU maritime interests for a safe, secure, green and competitive maritime sector and act as a reliable and respected point of reference in the maritime sector in Europe and worldwide. The concept of a European Maritime Safety Agency (EMSA) as a regulatory agency originated in the late 1990s along with a number of other major European maritime safety initiatives. EMSA was established by Regulation (EC) No 1406/2002 as a major source of support to the Commission and the Member States in the field of maritime safety and prevention of pollution from ships, and subsequent amendments have refined and enlarged its mandate. See https://www.emsa.europa.eu/about/legal-basis.html (accessed 10 December 2025).

[26] Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC, Official Journal of the European Union, L 251/12, 16.9.2016, Article 53.

[27] Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur), Official Journal of the European Union, L 295/11, 6.11.2013.

2019/1896.[28] The latter strengthened the mandate of the European Border and Coast Guard Agency (2019 Frontex), expanded its scope, and introduced new mechanisms such as the European Border and Coast Guard Standing Corps as its permanent body, to which certain executive powers have been assigned, such as verifying the identity and nationality of persons, authorising or refusing entry upon a border check, stamping travel documents, issuing or refusing visas, patrolling, or registering fingerprints.[29] Notable improvements include an enhanced focus on fundamental rights,[30] expanded cooperation with third countries beyond immediate neighbours,[31] and an increased capacity to conduct operations outside the EU.

Regulation (EU) 2019/1896 assigns Frontex the responsibility of ensuring well-coordinated management of the EU's external borders among Member States by facilitating and enhancing the implementation of EU regulations,

[28] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624, Official Journal of the European Union, L 295/1, 14.11.2019.

[29] Such a capacity of 10,000 operational staff represents the maximum available capacity required to effectively address existing and future operational needs for border and return operations in the Union and third countries, including a rapid reaction capacity to face future crises. The key novelty is that the standing corps deployed as team members are conferred executive powers (*ibid*., Articles 54-55).

[30] Frontex strictly adheres to the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights, and relevant instruments of international and human rights law, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The regulation expanded the Agency's role and functions related to fundamental rights, including the establishment of the Fundamental Rights Officer and a monitoring system. The Fundamental Rights Officer (FRO) and Fundamental Rights Monitors assess the fundamental rights compliance of Frontex activities, including return operations, provide advice and assistance in this regard, while contributing to the promotion of fundamental rights as part of European integrated border management. The FRO and the staff of the Fundamental Rights Office, including Fundamental Rights Monitors, have an independent role within the agency to reinforce respect, protection, and promotion of fundamental rights. In order to effectively monitor the agency's compliance with fundamental rights, the FRO can conduct investigations into any of its activities and carry out regular on-the-spot visits. The FRO is responsible for handling complaints received via the Frontex Complaints Mechanism and Serious Incident Reports related to potential violations of fundamental rights within Frontex activities. See https://www.frontex.europa.eu/fundamental-rights/fundamental-rights-at-frontex/fundamental-rights-office/ (accessed 12 January 2026).

[31] Frontex cooperates with third countries well beyond the immediate vicinity of the European Union's borders as a key preventive measure for managing migration and combating cross-border crime outside EU territory. Such cooperation constitutes an integral part of the European Integrated Border Management (EIBM) strategy, aiming to address irregular migration at its source and along migratory and transit routes.

particularly the Schengen Borders Code that outlines integrated border management across three specific areas: border controls, border checks, and border surveillance. The primary objective of border control is to prevent unauthorised border crossings while ensuring the registration of individuals who cross the border lawfully. This objective should be accomplished through the aforementioned operational modes of the management system. Nevertheless, it is evident that illegal migration still constitutes a significantly greater security challenge and, consequently, a more substantial obstacle to the effective implementation of border management. In this regard, efficient border surveillance is of critical importance, as it serves as a preventive measure in addressing unauthorised border crossings. The objective of border surveillance is to prevent unauthorised crossings, to counteract cross-border criminal activities, and to apprehend or otherwise take lawful measures against individuals who have crossed the border in an irregular manner.[32]

It is incontrovertible that the entire concept of integrated border management in Europe is predicated upon the shared responsibility of the Agency and the national authorities entrusted with border management, including coast guard authorities insofar as they perform maritime border surveillance operations and other border control functions, as well as the national authorities responsible for return procedures. According to Regulation (EU) 2019/1896, Member States retain the primary responsibility for the management of their external borders

[32] According to recent statistics from Frontex, the number of irregular crossings at the European Union's external borders decreased by more than one quarter (26%) in 2025, reaching approximately 178,000. This figure represents less than half of the total recorded in 2023 and constitutes the lowest level observed since 2021. In the absence of major geopolitical escalation in the EU's immediate neighbourhood, irregular migration towards Europe across land and maritime borders is likely to continue the downward trend evident since 2023. However, this development will depend on sustained cooperation with countries of origin and transit, as well as on Europe's capacity to remain prepared for sudden shifts in migration dynamics. In 2025, the Central Mediterranean remained the most active migration route into the European Union, with detection levels broadly comparable to those recorded in 2024. Departures from Libya continued to be a key factor shaping migration flows towards Italy. On the Eastern Mediterranean route, detections declined overall, thereby extending the existing downward trend. The Western Africa route experienced the most pronounced decrease, with detections falling by approximately two thirds, largely driven by a sharp reduction in departures from Mauritania, Morocco, and Senegal. Along the Western Balkans route, detections also decreased significantly, a development supported by enhanced security measures and close cooperation with Frontex, which maintains an operational presence in the region. See https://www.frontex.europa.eu/media-centre/news/news-release/frontex-irregular-border-crossings-down-26-in-2025-europe-must-stay-prepared-lyKpVb (accessed 15 January 2026).

in their own interest and in the interest of all Member States and are responsible for issuing return decisions, while the Agency should support the application of Union measures relating to the management of the external borders and return by reinforcing, assessing, and coordinating the actions of the Member States which implement those measures. Therefore, activities of the Agency should complement the efforts of the Member States.

As mentioned above, the protection of sea borders has certain peculiarities. It is important to emphasise that the implementation of Regulation (EU) 2019/1896 does not affect Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by Frontex.[33] Namely, pursuant to Regulation (EC) No 2007/2004, which established Frontex, border surveillance operations coordinated by the Agency are conducted in accordance with an operational plan which should be formulated in accordance with the provisions of this Regulation governing interception, rescue at sea, and disembarkation in the context of border surveillance operations at sea coordinated by the Agency and having regard to the particular circumstances of the operation concerned.

Moreover, during border surveillance operations at sea, Member States should take into account their respective obligations under international law, in particular the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, the International Convention on Maritime Search and Rescue, the United Nations Convention against Transnational Organised Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the United Nations Convention relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading

[33] Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, Official Journal of the European Union, L 189/93, 27.6.2014. This Regulation applies to border surveillance operations carried out by Member States at their external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Article 1). Measures taken for the purpose of a sea operation are conducted in a way that, in all instances, ensures the safety of the persons intercepted or rescued, the safety of the participating units or that of third parties (Article 3).

Treatment or Punishment, the United Nations Convention on the Rights of the Child, and other relevant international instruments.[34]

It may be concluded that Frontex is entrusted with the coordination of operational cooperation among Member States in the management of the European Union's external borders, including activities pertaining to border surveillance. Furthermore, Frontex provides support to Member States in circumstances necessitating enhanced technical assistance at the external borders, bearing in mind that certain situations may involve humanitarian emergencies and maritime search and rescue operations. Such maritime operations must be conducted in a manner that, in all cases, ensures the safety of the persons intercepted or rescued, the security of the units participating in the operation, and the protection of third parties.

4. THE ENTRY/EXIT SYSTEM

The persistent occurrence of irregular migration and ongoing security threats were the principal grounds for the introduction of a new registration system at border crossing points. In addition, numerous instances of identity theft and overstaying within the territory of the European Union were recorded. The Entry/Exit System (EES) is intended to provide an adequate response to such challenges and to substantially reduce the incidence of these violations in the future.

Although the gradual implementation of the EES began in October 2025, the concept of establishing this system dates back considerably earlier. In 2008, in its Communication "Preparing the next steps in border management in the European Union",[35] the Commission proposed creating an Entry/Exit System (EES) as part of the Union's integrated border management strategy. The EES would electronically record the time and place of entry and exit of third-country nationals admitted for short stays in Member States and calculate the duration of their authorised stay. Furthermore, in its strategic guidelines adopted in June 2014, the European Council emphasised that the Union must mobilise all instruments at its disposal to support the Member States in fulfilling their responsibilities. To this end, it underlined that the integrated management of the external borders should be modernised in a cost-effective manner so as to ensure smart border management, inter alia through the establishment of an entry-exit system and with the support of the new agency for large-scale information systems (eu-LISA).

[34] Paragraph 8 of the Preamble of Regulation (EU) No 656/2014.

[35] See https://eur-lex.europa.eu/EN/legal-content/summary/next-steps-in-border-management-in-the-eu.html (accessed 11 February 2026).

The European Agency for the Operational Management of Large-Scale Information Systems in the Area of Freedom, Security and Justice (eu-LISA), established by Regulation (EU) No 1077/2011 of the European Parliament and of the Council,[36] was given responsibility for the development and operational management of a centralised EES.

Ultimately, in 2017, Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 was adopted. The Regulation established 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 and determined the conditions for access to the EES for law enforcement purposes and amended the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011.[37]

Before the implementation of the Entry/Exit System (EES), the Schengen Information System (SIS)[38] and the Visa Information System (VIS)[39] were pivotal in the exercise of border control and the maintenance of security. Experience has

[36] Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, Official Journal of the European Union, L 286/1, 1.11.2011, p. 1.

[37] Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 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 and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011, Official Journal of the European Union, L 327/20, 9.12.2017.

[38] By virtue of the Regulations of the European Parliament and of the Council (2018/1860, 2018/1861 and 2018/1862) on the establishment, operation, and use of the Schengen Information System (SIS) in the fields of return of illegally staying third-country nationals, border checks, and police and judicial cooperation in criminal matters, a unified information system has been established, enabling competent national authorities in the Member States of the Schengen Area to cooperate in the exchange of data, and allowing police, judicial, and other authorities with access rights to enter and search for alerts on missing persons, on persons and objects related to criminal offences, and on third-country nationals who are not allowed to enter or stay in the Schengen Area. See https://mvep.gov.hr/ (accessed 21 January 2026).

[39] The EU Visa Information System (VIS) was established by Council Decision of 8 June 2004 (2004/512/EC) and Regulation (EC) No 767/2008, with the aim of sharing visa data between EU Schengen States to improve the common visa policy, combat fraud, and facilitate border checks. VIS facilitates the visa application process for short-stay visas by connecting consulates, border crossings, and national authorities. See https://eur-lex.europa.eu/EN/legal-content/summary/establishment-of-the-visa-information-system-vis-stage-1.html (accessed 21 January 2026).

demonstrated that the current mechanisms for detecting overstayers within the Schengen Area are insufficient. Namely, the European Union's Schengen Information System (SIS) and Visa Information System (VIS) do not record travellers' border exits and are primarily designed to detect criminal activity and verify individual identities. Due to the lack of interconnection among national entry and exit systems, national authorities can only identify overstayers[40] who both enter and remain within the same Member State. The absence of an exit record in national databases does not enable authorities to confirm whether an individual has overstayed, as the person may have travelled to or departed through another Schengen state.

Although the EES and Frontex have distinct institutional mandates, their functions are complementary. Together, they contribute to strengthening the EU's external border security, improving data management, and streamlining border control processes.

The EES is an EU-wide automated border control mechanism designed to record the entry and exit of non-EU nationals who do not reside in the Schengen Area. Its overarching objective is to streamline border checks while reinforcing security and ensuring compliance with data protection and fundamental rights standards. Presently, European countries are introducing the system gradually or in full at their external borders over a period of six months beginning on 12 October 2025.[41] As of 10 April 2026, the EES will replace the current system of manual stamping of passports, which does not allow for the automatic detection of travellers who have exceeded the maximum duration of their authorised stay.[42]

[40] "Overstayer" means a third-country national who does not fulfil or no longer fulfils the conditions relating to the duration of his or her authorised short stay on the territory of the Member States (Article 3, paragraph 19, Regulation (EU) 2017/2226).

[41] The European Commission presented the proposal for the EES on 6 April 2016 as part of the revised Smart Borders Package. After negotiations with the European Parliament and the Council, the co-legislators reached an agreement in July 2017. The EES Regulation, together with a targeted amendment of the Schengen Borders Code, was adopted on 20 November 2017 and entered into force on 29 December 2017. On 4 December 2024, the Commission proposed a progressive start of operations for the Entry/Exit System (EES). On 19 May 2025, the European Parliament and the Council reached an agreement. Regulation (EU) 2025/1534 on temporary derogations from certain provisions of Regulations (EU) 2017/2226 and (EU) 2016/399 as regards the progressive start of operations of the Entry/Exit System was adopted on 18 July and entered into force on 26 July 2025. On 30 July 2025, the Commission set 12 October 2025 as the launch date for the start of operations of the Entry/Exit System (EES). See https://home-affairs.ec.europa.eu/policies/schengen/smart-borders/entry-exit-system_en (accessed 15 June 2026).

[42] *Ibid*. Regulation (EU) 2025/1534 on temporary derogations from certain provisions of Regulations (EU) 2017/2226 and (EU) 2016/399 as regards the progressive start of operations of the Entry/Exit System lays down rules on the progressive start of operations of

The EES serves as a centralised database that stores information pertaining to border crossings, including the traveller's name, travel document details, biometric identifiers,[43] as well as the date, time, and location of each entry and exit. It is important to underline that the system also records refusals of entry.[44] This systematic collection of data aims to facilitate more efficient and accurate border control procedures and to enhance the EU's capacity to address contemporary security challenges.[45] On subsequent trips, travellers will use self-service kiosks or eGates[46] to scan their passport, and the system will use the previously stored biometric data to verify identity, thus speeding up border crossings.

The EES facilitates the monitoring of entries and exits, thereby assisting authorities in detecting overstays, preventing identity fraud, and managing potential security risks more effectively. Additionally, the system enhances law enforcement capabilities by enabling the identification of individuals who may pose security threats or are sought in connection with criminal activities. From an operational perspective, the EES also promotes efficiency by reducing the administrative burden on border officials and decreasing waiting times for legitimate travellers.[47]

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the Entry/Exit System (EES), established under Regulation (EU) 2017/2226, at the borders of the Member States at which the EES is operated in accordance with Article 4 of that Regulation and on temporary derogations from certain provisions of Regulations (EU) 2017/2226 and (EU) 2016/399. Regulation (EU) 2025/1534 of the European Parliament and of the Council of 18 July 2025 on temporary derogations from certain provisions of Regulations (EU) 2017/2226 and (EU) 2016/399 as regards the progressive start of operations of the Entry/Exit System, Official Journal of the European Union, L 2025/1534, 23.7.2025.

43 According to Article 3, paragraph 18 of Regulation (EU) 2017/2226, biometric data mean fingerprint data and facial images. The use of biometrics, despite its impact on the privacy of travellers, is justified for two reasons. First, biometrics are a reliable method of identifying third-country nationals who are present on the territory of the Member States but not in possession of travel documents or any other means of identification, a common situation for irregular migrants. Second, biometrics allow for a more reliable matching of entry and exit data of bona fide travellers.

44 The EES will include an automated calculator that indicates the maximum duration of authorised stay for third-country nationals registered in the EES. See Regulation (EU) 2017/2226 (Article 11).

45 The European Agency for the Operational Management of Large-Scale Information Systems in the Area of Freedom, Security and Justice (eu-LISA) is responsible for developing and managing the system. See https://www.eulisa.europa.eu/ (accessed 21 January 2026).

46 E-gate means an infrastructure operated by electronic means where an external border or an internal border controls have not yet been lifted is actually crossed (Article 2, paragraph 24 of Regulation (EU) 2016/399).

47 See https://www.frontex.europa.eu/what-we-do/etias-ees/about-etias/ (accessed 21 January 2026).

The EES is composed of a Central System (EES Central System)[48] and National Uniform Interfaces (NUIs).[49] The technical architecture of the EES also includes a secure communication channel between the EES Central System and the VIS Central System, a secure and encrypted communication infrastructure between the EES Central System and the NUIs, as well as a web service[50] and a data repository, established at a central level (Article 7 of Regulation (EU) 2017/2226).

The implementation of the Entry/Exit System (EES) marks a significant milestone in the evolution of European border governance where the European Border and Coast Guard Agency (Frontex) plays a central role in facilitating the process by leveraging its expertise in integrated border management. While eu-LISA will develop the EES and ensure its operational management, as well as ensure the adequate security of the EES, Frontex is tasked with procuring and coordinating pilot projects at designated border crossing points, designing and delivering comprehensive training programmes for national border guards, and offering technical and operational guidance on the integration of existing technologies and procedures. In addition, Frontex identifies border crossing points that require enhanced operational support and deploys members of its standing corps with specialised expertise in the EES framework. Although the EES legal framework does not explicitly define Frontex's operational access to the system, Regulation (EU) 2019/1896 provides the legal basis for the standing corps to use EES data in the context of joint operations. Specifically, the Regulation identifies the provision of technical and operational assistance to Member States in the conduct of border checks, including access to relevant databases, as one of the Agency's core tasks.

Overall, the EES constitutes a cornerstone of the European Union's broader strategy for integrated, technology-driven border management. By systematically

[48] The EES Central System is hosted by eu-LISA at its technical sites (Article 7, paragraph 2 of Regulation (EU) 2017/2226).

[49] The NUI is established in each Member State based on common technical specifications and is identical for all Member States, enabling the connection of the EES Central System to the national border infrastructures in Member States in a secure manner (Article 7 of Regulation (EU) 2017/2226).

[50] Regulation (EU) 2017/2226 requires eu-LISA to provide third-country nationals with secure internet access to a web service, enabling them to verify at any moment their remaining authorised stay and to provide the data required. The web service must enable third-country nationals to verify compliance with the overall limit of 90 days in any 180-day period and to receive information on the remaining authorised stay under that limit. This information is to be provided for stays in the 180-day period preceding consultation of the web service or the intended date of entry or exit, or both (Article 13 of Regulation (EU) 2017/2226).

recording and analysing both the biometric and alphanumeric data[51] of non-EU nationals crossing the Schengen borders, the system not only reinforces border security but also embodies the Union's commitment to balancing technological innovation with the protection of individual rights and the facilitation of legitimate cross-border mobility.

4.1. Scope of Application and the Purpose of the EES

The EES applies to non-EU nationals travelling for a short stay to a European country using the EES, who either possess a short-stay visa or do not need a visa to stay for a maximum of 90 days in any 180-day period.[52] Once the EES is fully operational, travellers from the United Kingdom and the United States, for example, as well as from other non-EU countries, will no longer have passports stamped but will instead undergo biometric registration upon first entry.

The Entry/Exit System (EES) will collect and electronically register the travel document data and other personal information of non-EU travellers, including their dates of entry and exit. In cases where an individual exceeds the period of stay permitted within European countries applying the EES, the system will automatically identify and record the overstay. Moreover, it will document instances in which entry is refused by the competent authorities.[53] Entry conditions for third-country nationals, as well as the legal basis for their refusal of entry, are prescribed by Regulation (EU) 2016/399, while Regulation (EU) 2017/2226 specifically mandates that data on third-country nationals whose entry for a short stay has been refused must be entered into the EES, including the reasons

[51] Alphanumeric data mean data represented by letters, digits, special characters, spaces and punctuation marks (Article 3, paragraph 15 of Regulation (EU) 2017/2226).

[52] A person who is illegally staying in the Schengen Area must be subjected to return procedures in accordance with the Return Directive 2008/115/EC. As a general rule, preference will be given to voluntary departure. Return decisions under the Return Directive 2008/115/EC should be accompanied by an entry ban in certain cases (where no period for voluntary departure has been granted, or if the obligation to return has not been complied with), and in other cases an entry ban may be issued. Both entry bans and return decisions will be entered into the Schengen Information System (SIS). The length of the entry ban is to be determined with due regard to all relevant circumstances of the individual case and must not, in principle, exceed five years. Finally, the duration of the authorised stay of third-country nationals on the territory of the Member States for the purposes of this Regulation results from the applicable Schengen acquis.

[53] See https://travel-europe.europa.eu/en/ees/faq#what-progressive-start-EES-mean (accessed 21 January 2026).

for refusal.[54] Each entry/exit record or refusal of entry record linked to an individual file must be stored in the EES Central System for three years following the date of the exit record or of the refusal of entry record, as applicable.[55]

In addition, the EES facilitates the effective combating of identity fraud by collecting biometric data, improves security within the EU, and helps combat terrorism and serious organised crime by acting as an identity verification tool.

The Entry/Exit System (EES) stores different types of biometric identifiers depending on whether the traveller is required to hold a short-stay visa. For individuals who need a visa to enter European countries applying the EES, only the facial image is stored, as fingerprints are already collected during the visa application process. Conversely, for travellers who are exempt from visa requirements, the system records four fingerprints in addition to the facial image. It needs to be underlined that refusal to provide the required biometric data results in denial of entry into the territories of the participating European countries.

At present, the fingerprints of children under the age of twelve are not collected, even when they fall within the scope of the EES.[56] Although the collection of biometric data may raise concerns regarding travellers' privacy, the technologies employed within the EES framework are designed to ensure the protection of fundamental rights and the secure processing of personal data.[57]

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[54] Key reasons for EES refusal are missing or invalid documents (the lack of a valid passport, visa, or ETIAS authorisation); biometric data refusal (failure to provide fingerprints or a photograph, which is mandatory for non-EU citizens); overstaying (exceeding the 90-days-in-180 rule previously recorded in the system); and security alerts (data matches indicating a threat to public order, national security, or SIS alerts) (Article 14 of Regulation (EU) 2017/2226).

[55] If there is no exit record following the date of expiry of the period of authorised stay, the data are to be stored for a period of five years following the date of expiry of the period of authorised stay. The EES will automatically inform the Member States three months in advance of the scheduled erasure of data on overstayers in order to enable them to adopt the appropriate measures (Article 34 of Regulation (EU) 2017/2226).

[56] Regulation (EU) 2017/2226 (Article 17, paragraph 3).

[57] Under the General Data Protection Regulation (GDPR), "purpose limitation" is a requirement that personal data be collected for specified, explicit, and legitimate purposes and not be processed further in a manner incompatible with those purposes. The EES complies with this and other data protection principles, such as "data protection by design and data protection by default", and the requirements of necessity, proportionality, and data quality. Safeguards are in place to ensure the rights of travellers as regards the protection of their private lives and personal data. Their personal data will only be retained in the EES for as long as necessary and for the purpose(s) for which they were collected.

Personal data of travellers may be accessed by border, visa, and immigration authorities of the European countries implementing the EES for the purpose of verifying individuals' identities and determining whether they are entitled to enter or remain within the territory. In addition, law enforcement authorities of the participating countries, as well as Europol,[58] may access the data for law enforcement purposes in accordance with the applicable legal framework.[59]

The application of the EES imposes specific obligations on maritime carriers, including cruise and ferry companies, in the course of its implementation. These operators are required to verify that passengers from non-EU countries possess a valid visa or an approved ETIAS[60] authorisation prior to embarking for a port within the Schengen Area.[61] In order to do so, Frontex will provide operational

[58] In the fight against terrorist offences and other serious criminal offences, it is necessary for designated authorities to have the most up-to-date information if they are to perform their tasks. Access to EES data is necessary to prevent, detect, and investigate terrorist offences as referred to in Directive (EU) 2017/541 of the European Parliament and of the Council, or other serious criminal offences as referred to in Council Framework Decision 2002/584/JHA. It should be possible to use the EES data as an identity verification tool both in cases where the third-country national has destroyed his or her documents and where designated authorities are investigating a crime through the use of fingerprints or facial images and wish to establish an identity. Therefore, the EES data should be available to the designated authorities of the Member States and the European Union Agency for Law Enforcement Cooperation established by Regulation (EU) 2016/794 of the European Parliament and of the Council (10) ('Europol'), subject to the conditions and limitations set out in this Regulation. See the Preamble of Regulation (EU) 2017/2226 (paragraph 22).

[59] Under strict conditions, data may be transferred to another country (inside or outside the EU) or an international organisation (listed in Annex I of Regulation (EU) 2017/2226 – a UN organisation, the International Organization for Migration, or the International Committee of the Red Cross) for return (Article 41(1) and (2), and Article 42) and/or law enforcement purposes (Article 41(6)).

[60] The European Travel Information and Authorisation System (ETIAS) was established by Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 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, Official Journal of the European Union, L 236/1, 19.9.2018. ETIAS should apply to third-country nationals who are exempt from the visa requirement.

[61] Air carriers, sea carriers, and international carriers transporting groups overland by coach must send a query to the ETIAS Information System in order to verify whether or not third-country nationals subject to the travel authorisation requirement are in possession of a valid travel authorisation. Sea carriers (including ferry and cruise companies) must verify this information within 48 hours prior to departure. The carriers referred to are subject to the penalties provided for in accordance with Article 26(2) of the Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French

and technical assistance to carriers through the EES carrier interface. It should be noted that private yachts, pleasure boats, and cargo ships with no passengers on board are exempt from these carrier obligations.

When passengers disembark at a Schengen port, their information will be captured through the EES at the border crossing point. The EES will apply to passengers on vessels arriving at or departing from a Schengen port, and border authorities at these ports will be responsible for enforcing the new system.

In addition to the Entry/Exit System (EES), the European Union has developed three of the aforementioned centralised information systems relevant to border management: the Schengen Information System (SIS), the Visa Information System (VIS), and the European Asylum Dactyloscopy Database (EURODAC).[62] These systems are largely complementary and, with the exception of the Schengen Information System (SIS), are primarily directed towards non-EU nationals. They further assist national authorities in the prevention and suppression of criminal activities and acts of terrorism.

A fourth centralised information system, the European Travel Information and Authorisation System (ETIAS), is expected to be launched shortly after the EES and will focus on visa-exempt non-EU nationals. Unlike the VIS, which contains information related to Schengen visas, ETIAS will manage data concerning travel authorisations for non-EU nationals travelling visa-free to the thirty European countries implementing the system.

The EES, together with the other information systems mentioned above, will form part of the EU's interoperability framework, designed to facilitate accurate identification of individuals whose data are stored across these systems and to contribute to the prevention of identity fraud.

Republic on the gradual abolition of checks at their common borders ("the Convention implementing the Schengen Agreement") and Article 4 of Council Directive 2001/51/EC when they transport third-country nationals who, although subject to the travel authorisation requirement, are not in possession of a valid travel authorisation (Article 45 of Regulation (EU) 2018/1240). Where it is technically impossible to proceed with the query referred to in Article 45(1) of Regulation (EU) 2018/1240 because of a failure of any part of the ETIAS Information System, the carriers shall be exempted from the obligation to verify the possession of a valid travel authorisation. Where such a failure is detected by eu-LISA, the ETIAS Central Unit must notify the carriers. It must also notify the carriers once the failure is remedied. Where such a failure is detected by the carriers, they may notify the ETIAS Central Unit (Article 46, paragraph 1 of Regulation (EU) 2018/1240).

[62] Eurodac is the European Union's centralised biometric database, designed to assist with the management of asylum applications and to support efforts to detect, investigate, and prevent terrorism and serious crime. See https://www.eulisa.europa.eu/activities/large-scale-it-systems/eurodac (accessed 21 January 2026).

4.2. Exemption from the EES

The Entry/Exit System (EES) is designed to register and monitor third-country nationals entering and exiting the Schengen Area, but it does not apply universally to all travellers. Nationals of EU Member States implementing the EES, as well as those from Cyprus and Ireland, are exempt. Similarly, non-EU nationals who hold a residence card and are immediate family members of an EU national, or those who hold a residence card or residence permit and are immediate family members of a non-EU national entitled to travel in Europe under EU-equivalent rights, are also excluded from EES registration.

Certain categories of non-EU nationals travelling for specific purposes are likewise exempt. These include individuals entering the Schengen Area for intra-corporate transfers, research, studies, training, voluntary service, pupil exchange programmes, educational projects, or *au pair* placements. Accordingly, this exemption applies to third-country national crew members who are generally not registered in the EES when they hold a travel document and a crew member certificate/card (CMC) and are on duty. Pursuant to Annex VII of Regulation (EU) 2016/399, Member States may authorise seafarers holding a seafarer's identity document issued in compliance with the International Labour Organization (ILO) Seafarers' Identity Documents Convention 108 (1958) or 185 (2003), the Convention on Facilitation of International Maritime Traffic (FAL Convention), and the applicable national legislation, to enter the territory of the Member States for the purpose of going ashore within the port area where their vessels call or in the adjacent municipalities, or to exit the territory by returning to their vessels, without presenting themselves at a designated border crossing point, provided that they are listed on the crew list previously submitted to the competent authorities for verification. Notwithstanding the foregoing, and based on an assessment of internal security risks and risks related to illegal immigration, seafarers are subject to a control pursuant to Article 8 by border guards prior to going ashore.

In addition, holders of residence permits and long-stay visas, as well as nationals of Andorra, Monaco, and San Marino, or holders of passports issued by the Vatican City State or the Holy See, are not subject to the EES.[63]

In accordance with the provisions of Annex VII of Regulation (EU) 2016/399, the system also exempts individuals granted privileges or exceptions with respect to border controls, such as heads of state, accredited diplomats, and cross-border workers. In particular, diplomats undertaking short-term stays may, under specified conditions, be exempt from EES registration. These exemptions reflect a

[63] Regulation (EU) 2017/2226 (Article 2).

balance between the objectives of border security and migration management and the recognition of legal, diplomatic, and practical considerations in cross-border travel.

Exemptions from registration in the Entry/Exit System (EES) also extend to members of the armed forces travelling on NATO or Partnership for Peace missions, provided they hold appropriate identification and an individual or collective movement order in accordance with the Agreement between the Parties to the North Atlantic Treaty regarding the Status of Their Forces. These exemptions may additionally apply to the civilian components or dependants covered under the NATO Status of Forces Agreement.[64]

Other exemptions include individuals who are not required to cross external borders exclusively at designated border crossing points or within fixed opening hours, as well as holders of valid local border traffic permits. Crew members of passenger and freight trains on international connecting journeys are similarly exempt. Furthermore, travellers possessing a valid Facilitated Rail Transit Document or Facilitated Transit Document are not required to register in the EES, provided that they travel by train and do not disembark within the territory of any EU Member State.

4.3. Contribution of Frontex to the EES Transition

The implementation of the European Entry/Exit System (EES) has been enabled through the technical assistance provided by Frontex. This support encompasses the deployment of trained personnel from Frontex's operational corps to national borders, with the primary objectives of ensuring a smooth transitional phase and enhancing the capacity of national border authorities. Such measures aim to facilitate the integration of the EES and support authorities in developing the necessary technical and operational skills to effectively manage border control procedures.

The key contribution to the implementation of the EES was made by Frontex through the development of the mobile application "Travel to Europe". This application enables non-EU travellers to pre-register their data for the Entry/Exit System (EES), thereby facilitating and streamlining border processing procedures. Through the app, travellers can submit passport information, facial images, and responses to the entry questionnaire prior to reaching a European border crossing.

Frontex provides support to Member States throughout the implementation process, encompassing planning, security measures, and operational testing. Once the application has been adopted by a Member State, non-EU travellers

[64] Annex VII of Regulation (EU) 2016/399.

may use it to pre-register certain information for the EES before arriving at that Member State's external border.[65] The application does not replace border checks but is intended to expedite them. By allowing travellers to pre-register their information, border authorities receive much of the required data in advance, reducing the need to input all details during in-person inspections.

The pre-registration process is expected to result in shorter queues and faster processing for all travellers. Although participation is voluntary for both travellers and EU Member States, the system is primarily designed to maximise benefits at high-traffic locations, such as international airports. Rather than developing individual systems from scratch, Member States have the option to connect to Frontex's existing infrastructure.

However, not all EU countries have opted to implement the application. Frontex allows national authorities to decide independently whether to integrate the app and determine the locations at which it is deployed.

In addition to the aforementioned mobile application, Frontex provides comprehensive support to national border guards in the implementation of the Entry/Exit System (EES). This support includes delivering targeted training, advising on national training plans, and assisting in the identification of border crossing points that require operational support. Frontex also organises and facilitates pilot projects at selected border crossing points to simulate the EES environment, enabling Member States to test and integrate the system effectively. This assistance encompasses officer training, guidance on national implementation plans, deployment of standing corps officers,[66] and the use of digital tools to operationalise the system.

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[65] Sweden was the first country to confirm that it would use the app at selected border crossing points. Frontex is also working with Dutch, French, and Italian officials to run pilot programmes at key entry points in 2026. Portugal and Greece have shown interest in joining as well.

[66] The Frontex Standing Corps works under the command of the national authorities of the country in which it is deployed. Specific training courses tailored to provide officers from Member States/Schengen Associated Countries/Third Countries with the required knowledge and skills at different levels (from beginners to specialists) and for various areas considerably increase EBCG capacities at the EU external borders. The courses are as varied as the needs of the EBCG, starting from the cross-sectional one, English for Border and Coast Guarding, continuing through those related to European Integrated Border Management, Schengen evaluations and systems implemented at the EU external borders (EES, ETIAS, ABC), and ending with specialised issues (cross-border crime, terrorist threats, risk analysis, return operations, falsified documents) and different types of cooperation, with an emphasis on fully respecting fundamental rights at all times. See https://www.frontex.europa.eu/training/trainings-at-frontex/ (accessed 11 February 2026).

Member States are legally obliged to control their external borders, and the Schengen Borders Code does not geographically restrict these controls to land areas. Accordingly, Frontex officers may implement EES procedures at sea within a Member State's territorial waters or contiguous zone. During the gradual rollout of the EES, Frontex officers conduct procedures as part of joint operations with host Member States, particularly when performing surveillance or controlling vessels. This includes the application of EES procedures directly on vessels within territorial waters, ensuring comprehensive border management across land, air, and maritime domains.

Pursuant to Annex VI, Part 3 of Regulation (EU) 2016/399, the general procedure for maritime traffic stipulates that checks on vessels must be conducted either at the port of arrival or departure, in a designated area located in the immediate vicinity of the vessel, or on board the ship within the territorial waters as defined by the United Nations Convention on the Law of the Sea. In accordance with this Regulation, the master of the vessel, the ship's agent, or another person duly authorised by the master or authenticated in a manner acceptable to the competent public authority (collectively referred to as "the master") must prepare a crew list and a passenger list in conformity with the Convention on Facilitation of International Maritime Traffic (FAL Convention), including, where applicable, the relevant visa or residence permit numbers. The master is obliged to transmit the list(s) to the border guards or, where provided for under national law, to other competent authorities, which must promptly forward the list(s) to the border guards.

The Entry/Exit System (EES) constitutes the digital cornerstone of the New Pact on Migration and Asylum, supplanting traditional passport stamping with biometric-based monitoring to reinforce the security of the Union's external borders. By systematically recording the entry and exit data of non-EU nationals, the EES enables the prompt and automated detection of individuals exceeding their authorised period of stay, thereby significantly enhancing overall border security. Consequently, in October 2025, Frontex, Europol, and the European Union Agency for Asylum (EUAA) tested a new migrant screening on Italy's Lampedusa island to prepare for the European Union's upcoming 2026 Migration and Asylum Pact. The pilot, led by Frontex with support from the European Union Agency for Asylum (EUAA), Europol, and Italy's Ministry of the Interior, aimed to test how the EU's new migrant screening system would function once it becomes law in 2026.[67]

[67] According to Frontex, the trial was part of broader preparations for the EU Pact on Migration and Asylum, a package of new laws approved earlier this year to establish a common migration framework across the European Union. The Pact introduces standardised pre-entry screening for all arrivals and is intended to improve security,

Under the new regulatory framework, Frontex's operational presence will be significantly expanded through the deployment of specially trained officers to support national authorities in conducting border screening. These officers will provide assistance in verifying identities, collecting and transmitting biometric data, and completing the required screening documentation. Furthermore, Frontex will maintain close cooperation with the European Union Agency for Asylum (EUAA) and Europol to facilitate intelligence sharing and to ensure that all data processing and handling fully comply with EU data protection and privacy standards.

As previously emphasised, the sole effective means of preventing irregular migration lies in the implementation of stricter border controls. In this context, it is insufficient for the European Union merely to monitor the external borders of the Schengen Area; it is equally essential to ensure effective monitoring of the borders of neighbouring states, as genuine prevention originates precisely at that level. Therefore, Frontex engages in cooperation with third countries for the purpose of managing the external borders of the European Union through the deployment of personnel, the conduct of joint operations, and the exchange of risk analyses. Such cooperation is primarily effected pursuant to Status Agreements, which confer executive powers, and Working Arrangements. Operations undertaken under these frameworks, frequently within the Western Balkans and adjacent regions, are aimed at preventing irregular migration and combating cross-border criminal activities. The neighbouring states of the Republic of Croatia with which Frontex has established such cooperation are the Republic of Serbia, Montenegro and Bosnia and Herzegovina.

4.4. Application of the EES in the Republic of Croatia

On 6 March 2015, Croatia declared its readiness to start the Schengen evaluation process in all relevant policy areas as of 1 July 2015 with a view to the adoption of a Council Decision on the full application of the Schengen acquis. Following Croatia's "Declaration of Readiness", the Schengen evaluation process started in 2016 in accordance with Council Regulation (EU) No 1053/2013, which establishes an evaluation and monitoring mechanism to verify the application of the Schengen acquis, under the overall coordination of the Commission.[68]

streamline asylum decisions, and ensure that no Member State faces migration pressures alone. See https://etias.com/articles/frontex-pilots-eu-migration-screening-ahead-of-2026-pact (accessed 11 February 2026).

[68] For more, see Communication from the Commission to the European Parliament and the Council on the verification of the full application of the Schengen acquis by Croatia, Brussels, COM(2019) 497 final, 22.10.2019, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019DC0497 (accessed 10 February 2026).

Croatia shares borders with Slovenia and Hungary to the north, Serbia and Bosnia and Herzegovina to the east, Montenegro to the south, and it also shares a sea border with Italy to the west. Croatia has officially been a Schengen member state since 1 January 2023. By joining Schengen, border controls between Croatia and other EU Member States (Slovenia and Hungary) were abolished. Border control remains in place at the external borders with Serbia, Montenegro, and Bosnia and Herzegovina, and it is stricter. Croatians who live in these neighbouring countries and hold Croatian and non-EU citizenship are treated as EU citizens as long as they use their Croatian documents to cross borders.

Corresponding changes have also occurred in the field of air transport. Flights between Schengen countries are now treated as domestic. Travellers on direct flights from Croatia to other Schengen destinations only have to check in for the flight and go through security. They can board their flight without being checked by border control or police.

Once people are controlled at an external Schengen border, they can freely travel inside Schengen without being rechecked. Croatia uses Schengen monitoring, control, and data exchange mechanisms (SIS and VIS, etc.) to combat terrorism and manage migration flows. The Entry/Exit System (EES) of the European Union has been technically established and is now operational in the Republic of Croatia. Its phased implementation commenced on 12 October 2025, in accordance with the relevant decisions adopted at the European Union level. From that date, the system has been operational at all international border crossing points, as well as at local border crossing points temporarily designated for international traffic under the Agreement between the Republic of Croatia and Bosnia and Herzegovina[69] and with Montenegro.[70]

[69] On 19 June 2013, Croatia and Bosnia and Herzegovina signed agreements in Brussels on the border regime, which included the Local Border Traffic Agreement. This agreement was established to allow residents living within a certain distance of the border to cross with special permits (local border passes) after Croatia joined the European Union on 1 July 2013. A local border pass may be issued to persons residing in the border area of Bosnia and Herzegovina not further than five kilometres from the border. It is issued for a validity period of five years, counting from the date of its issuance, or until a valid travel document on the basis of which it was issued expires. Local border passes are issued upon a direct personal request by a person who fills in the application form for a local border pass pursuant to Article 7 of the Agreement between the Republic of Croatia and Bosnia and Herzegovina on Local Border Traffic – Appendix D, signed in Brussels in June 2013. Along with the Local Border Traffic Agreement, the Treaty on Border Crossings and a Joint Interpretative Note on the Neum/Ploče Agreement to facilitate transit and trade were signed.

[70] The border between Croatia and Montenegro is generally defined based on the separation of the former Yugoslav republics. Montenegro is not part of the Schengen Area, so

The Entry/Exit System (EES) does not apply to European Union nationals, regardless of their place of residence. Croatian citizens and other nationals of EU Member States residing in neighbouring countries or in third countries continue to cross the border by presenting their travel document or national identity card. They are not required to provide biometric data under this system.

Upon entering Croatia, and by extension the European Union, travellers are required to provide biometric data, including fingerprints and a facial image, in addition to their passport information. These data are stored digitally and subsequently used to facilitate future border crossings, thereby expediting border control procedures and enhancing overall security.

At six Croatian airports (Zagreb, Split, Dubrovnik, Pula, Zadar, and Rijeka), self-service Entry/Exit System (EES) kiosks have been introduced to streamline the registration process for third-country nationals entering the Schengen Area for the first time. These kiosks enable travellers to pre-register by scanning their travel documents, submitting facial and fingerprint data, and completing a brief electronic questionnaire. Children under the age of twelve are exempt from the requirement to provide fingerprints. Following this initial step, travellers proceed to manual border control, where officers verify the data and formally create the individual's EES record.

In December 2025, the Republic of Croatia adopted the Act on Amendments to the State Border Surveillance Act,[71] thereby harmonising its national legal framework with the new European Union Regulation on the Schengen rules (Regulation (EU) 2024/1717).[72] The principal amendment introduced by this Act is the possibility of the temporary reintroduction of border controls at internal borders not only along the entirety of the border, but also at specific sections thereof. This measure enables a proportionate and targeted response to specific threats, without necessitating the general closure of borders or the imposition of comprehensive controls. The decision is adopted upon a proposal by

when travelling from Croatia to Montenegro or vice versa, border checks are still in place. This means that travellers will need to present their passport or ID card when crossing the border between Croatia and Montenegro.

[71] See https://sabor.hr/sites/default/files/uploads/sabor/2025-12-12/135402/PZE_193.pdf (accessed 10 February 2026).

[72] Regulation (EU) 2024/1717 sets out the conditions for reintroducing and prolonging checks at internal borders. Member States are permitted to extend internal border controls based on security risks or migratory flows for a period of six months. They may renew the reintroduction for periods of six months to a maximum of two years. They must notify any reintroduction and explain the necessity and proportionality of the decision to reintroduce internal border control.

the Minister of the Interior, thereby further expediting the decision-making process in situations of crisis.[73]

4.5. Possible Implementation Issues

The practical implementation of the Entry/Exit System (EES) may give rise to several challenges that could potentially undermine its intended benefits. First, the introduction of new control procedures is likely to cause delays at border crossings, particularly in the initial phase of implementation, when border authorities may lack sufficient experience and operational familiarity with the system. Furthermore, the effectiveness of the EES depends heavily on the accuracy of data entry and processing. Human error or the use of manual overrides may result in the storage of incorrect or incomplete information. In addition, technical difficulties are expected to occur, stemming from potential software malfunctions or interruptions in the electricity supply.

The collection of biometric data, including facial images and fingerprints, also raises significant concerns regarding the storage, security, and protection of this sensitive information against unauthorised access or misuse. The system's provisions allowing data sharing with certain non-EU countries and international organisations have generated debate about the scope and purpose of such data transfers, as well as their compatibility with individual data protection and privacy rights under EU law. Regulation (EU) 2017/2226, in its Preamble, prescribes the application of Regulation (EU) 2016/679 of the European Parliament and of the Council[74] to the processing of personal data by the Member States unless such processing is carried out by the designated authorities or central access points of the Member States for the purposes of the prevention, investigation, or detection of terrorist offences, or of other serious criminal offences. Moreover, with respect to the processing of personal data in the Entry/Exit System (EES), each Member State must designate the authority to be recognised as the data

[73] The previous legislation primarily envisaged the reintroduction of border controls for security-related reasons, such as terrorism or serious threats to public order. The amendments expand the scope of permissible reasons to include public health threats. One of the more significant institutional changes is that the Ministry of the Interior is formally designated as the authority competent to initiate and conduct consultations with the European Commission regarding the management of internal border controls.

[74] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), Official Journal of the European Union, L 119/1, 4.5.2016, p. 1.

controller, which assumes primary responsibility for the processing of data on behalf of that Member State. Each Member State must further ensure that the data collected and recorded in the EES are processed in strict compliance with applicable law and, in particular, that access to such data is strictly limited to duly authorised personnel in the performance of their official duties (Article 39, Regulation (EU) 2017/2226). Any natural or legal person or Member State that has incurred material or non-material damage as a result of unlawful processing or any act inconsistent with the provisions of this Regulation is entitled to seek compensation from the Member State responsible for the damage suffered. The Member State concerned can be wholly or partially exonerated from liability when it can demonstrate that it bears no responsibility whatsoever for the event giving rise to the damage.[75]

Furthermore, there is apprehension that the Entry/Exit System (EES) may not serve as an effective mechanism for addressing irregular migration. Namely, the system predominantly targets non-EU travellers, who are already subjected to systematic border controls. Given that the EES primarily emphasises the recording of entries and exits rather than actively preventing irregular migration, it may ultimately prove insufficient in offering a comprehensive solution to the broader challenges associated with unauthorised residence within the Schengen Area. To achieve the foregoing objective, particular importance should be attached to the effective control and surveillance of the State's border areas, as well as to cooperation with third countries bordering the Member States of the European Union with regard to the prevention and suppression of irregular migration.

5. CONCLUSION

The establishment of the Schengen Area generated the need for the further enhancement of external border control, a necessity that became particularly pronounced in light of the increase in irregular migration and the growing frequency of security threats within the territory of the European Union. A significant institutional development occurred in 2016 with the creation of the European Border and Coast Guard, the legal successor to Frontex, endowed with expanded and reinforced competences.

[75] Claims for compensation against a Member State for the damage referred to are governed by the provisions of national law of the defendant Member State. See Regulation (EU) 2017/2226 (Article 45).

Notwithstanding these efforts and the existing regulatory and operational frameworks, irregular migration has not been eradicated, nor have security threats been fully prevented. Consequently, as a further step towards strengthening security and enhancing border control, thereby contributing to the protection of the EU territory as a whole, the Entry/Exit System was introduced at the end of 2025. In this context, Frontex is expected to play a pivotal role in ensuring its effective implementation in practice.

According to the European Commission, the Entry/Exit System (EES) is expected to strengthen efforts to combat irregular migration in three key ways. It should enable national authorities to identify individuals who have exceeded their maximum authorised stay within the Schengen Area, which is currently impossible. The EES should also generate a comprehensive list of overstayers, which immigration authorities can consult to assist in the detection and verification of irregular migrants' identities. Statistical data derived from the EES database will represent an additional advantage since they will be made available to Frontex and national immigration authorities, providing policymakers with more accurate estimates of the number of irregular migrants present in the Schengen Area.

The Entry/Exit System (EES) primarily records instances of overstay, but does not prevent irregular entry into the territory of the European Union. In this respect, it remains debatable to what extent its implementation will, in fact, contribute to the prevention of irregular migration. Nevertheless, the other benefits of this system, such as the prevention of identity fraud and the enhancement and strengthening of security standards, are indisputable.

It should also be emphasised that the management of irregular migration necessitates comprehensive surveillance of the borders of non-EU countries that share direct borders with EU Member States. In the Balkan region, Frontex, the European Border and Coast Guard Agency, has engaged in agreements with several nations, facilitating the deployment of its standing corps. This strategic collaboration aims to bolster border control measures and enhance the management of border affairs through joint efforts with members of national border authorities.

These initiatives underscore the significance of cooperative border management, enabling a more robust response to the challenges associated with uneven migration flows towards the European Union. By leveraging these partnerships, Frontex seeks to improve the efficacy of border oversight and ensure a coordinated approach to managing migration pressures originating from non-EU territories.

Furthermore, to ensure the optimal implementation of the Entry/Exit System (EES), it is essential that border authorities receive comprehensive training and that all participating States apply the system according to harmonised procedures and with an equivalent level of operational expertise. Consistency in application across Member States will be crucial to maintain the system's reliability, interoperability, and overall effectiveness.

However, a realistic assessment of the effectiveness of the application of the EES can only be expected in a few years. Its success will certainly be further supported by the establishment of the forthcoming European Travel Information and Authorisation System (ETIAS), a separate pre-travel screening mechanism scheduled to become operational in 2026.

ETIAS will require non-EU nationals who are exempt from visa obligations to obtain travel authorisation prior to entering the Schengen Area. Together, the EES and ETIAS are expected to enhance border management, improve migration monitoring, and strengthen the security framework of the Schengen zone.

Anticipated developments indicate that 2026 constitutes a critical juncture for European border management. In June, the EU Pact on Migration and Asylum entered into full application, representing the most extensive reform of Europe's migration and asylum framework in recent years. This milestone coincided with profound transformations in the management of Europe's external borders, including the complete operationalisation of the Entry/Exit System (EES) and the planned launch of the European Travel Information and Authorisation System (ETIAS).

Commencing on 10 April, all 29 Schengen Area Member States are required to ensure that the Entry/Exit System (EES) is operational at every external border crossing point for the purpose of recording the entry of all third-country nationals through the collection of their biographical and biometric data. However, in February 2026, in light of technical difficulties, staffing shortages, and prolonged waiting times resulting from the introduction of the EES, the European Commission decided to allow the temporary suspension of the system for a period of up to 90 days in order to prevent excessive congestion at border crossing points. It is expected that the postponement of the Entry/Exit System (EES) will directly cause a corresponding delay in the implementation of the European Travel Information and Authorisation System (ETIAS) since it relies on EES data to function.

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Sažetak:

ULOGA AGENCIJE ZA EUROPSKU GRANIČNU I OBALNU STRAŽU (FRONTEX) *U IMPLEMENTACIJI SUSTAVA ULASKA/IZLASKA (EES)*

Europska unija (EU) suočava se s velikim izazovom nadzora vanjskih granica schengenskog prostora kroz koje svake godine ulaze milijuni državljana trećih zemalja radi zaposlenja, turizma i drugih aktivnosti. Kao odgovor na taj izazov, EU je uspostavio sustav integriranog upravljanja granicama koji je dodatno unaprijeđen osnivanjem Europske granične i obalne straže (EBCG), koja je, kao nasljednica Agencije za europsku graničnu i obalnu stražu (Frontex)*, dobila prošireni opseg nadležnosti. Uredba (EU) 2019/1896 dodatno je ojačala ulogu* Frontexa *dodijelivši agenciji odgovornost za koordinirano upravljanje vanjskim granicama EU-a u suradnji s državama članicama. Ova uredba olakšava i unapređuje provedbu europskih propisa, osobito Zakonika o schengenskim granicama koji definira integrirano upravljanje granicama kroz tri ključna područja: graničnu kontrolu, granične provjere i nadzor granica. Kao odgovor na sve veću potrebu za jačanjem unutarnje sigurnosti i modernizacijom upravljanja vanjskim granicama, EU je 2025. godine uspostavio sustav ulaska/izlaska (EES). EES je automatizirani mehanizam na razini EU-a namijenjen evidentiranju ulaska i izlaska državljana trećih zemalja koji nisu rezidenti schengenskog prostora. Iako EES i* Frontex *imaju različite institucionalne mandate, njihove su funkcije komplementarne. Zajedno doprinose jačanju vanjske sigurnosti EU-a, poboljšanju upravljanja podacima i pojednostavljenju postupaka granične kontrole. Ovaj rad analizira ulogu* Frontexa *u provedbi EES-a. Naime, provedba EES-a predstavlja važan korak u razvoju europskog sustava upravljanja granicama u kojem* Frontex*, kao ključna agencija, pruža stručnu potporu kroz svoje znanje o integriranom upravljanju granicama. Evidentiranjem i analizom biometrijskih i alfanumeričkih podataka državljana trećih zemalja koji prelaze schengenske granice, EES ne samo da jača sigurnost, nego i pokazuje predanost EU-a usklađivanju tehnoloških inovacija sa zaštitom ljudskih prava te olakšavanju zakonitog kretanja osoba unutar schengenskog prostora.*

Ključne riječi: *Agencija za europsku graničnu i obalnu stražu* (Frontex)*; Europska granična i obalna straža (EBCG); granice schengenskog prostora; sustav ulaska/izlaska (EES); integrirano upravljanje granicama (IBM).*