

GMS Flash Alert

Immigration

2024-173 | August 27, 2024

European Union – Entry/Exit System Scheduled for November 2024

EU Commissioner Ylva Johansson announced the official commencement date for the Entry/Exit System (EES) is 10 November 2024, "And after intense dialogues with Member States, with you, with the different stakeholders – I have decided that the Entry/Exit System will enter into operations on the 10th of November."¹

Several media outlets are also reporting that after multiple delays, the EES is scheduled to go online in November 2024.² Although, it seems unclear whether the launch is expected on 10 November or 17 November:

When implemented, the EES will introduce electronic gates at the borders of countries in the Schengen area.³

WHY THIS MATTERS

The automated border check of travellers to and from the Schengen area will allow the authorities at the border to identify overstayers. The automated border checks will impact holders of short-stay visas and travellers exempted from visas for 90 days in a 180-day period (Schengen visa exemption).

Moreover, under the EES, individuals are accorded certain rights regarding their personal data each time they reach the external borders of the European countries using the EES. The EES confers rights regarding an individual's personal data, such as the ability to request access to their data, request that inaccurate or incomplete data be corrected, and request that unlawfully processed personal data that concern them be erased and/or request that specific data not be processed.

The EES will not impact, among others, EU-nationals, non-EU nationals who hold residence cards or residence permits, and holders of long-stay visas.

Context

Countries that are taking part in the EES are: Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and Switzerland.

Ireland and Cyprus are EU member states that are not party to the Schengen area and will not implement automated border checks. Travellers to Ireland and Cyprus will continue to get stamps in their passports.

Background

The EES is meant to replace manual border checks by implementing an IT system that will collate information such as name, type of travel document, biometric data (fingerprints and photographs), and the date and place of entry and exit.⁴

The first time an individual uses the EES, he/she will be required to supply his/her fingerprints and have his/her photo taken at the border crossing. This will be kept on file for three years, so the person will not need to do this extra step each time. Refusal to comply will result in a denial to enter the Schengen area.⁵

Non-EU Nationals

As noted in the FAQs⁶, EES applies to individuals who are non-EU nationals travelling for a short stay to a European country using the EES and they 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.

MEIJBURG & CO. INSIGHTS

Violations of visa conditions or conditions for an exemption from the visa to the EU are a serious offence that can impact possibilities for future travel to the EU.

Furthermore, the fact that the authorities in the EU will have accurate information about an individual's travel could have implications for other aspects of an individual's travel and cross-border movements, i.e., tax liability, social security liability, permanent establishment issues, etc.

Companies should review their systems for tracking of employees' whereabouts, inform their organisation and relevant employees about the digitisation of EU border checks, and assess the impact of these changes on their processes.

Companies may not be aware of all the travelling a relevant employee undertakes to the Schengen area, for example when the relevant employee is on holiday in the Schengen area, and therefore may not know when a business trip to the Schengen area may violate visa conditions and result in an overstay. Companies should therefore make an effort to inform relevant employees about the upcoming changes and the importance of tracking travel and stay in the Schengen area.

FOOTNOTES:

1 See "Commissioner Johansson's speech on the Entry/Exit System at eu-LISA" (16 August 2024) at: https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_24_4286.

2 See B. Restelica, "EU's New Entry/Exit System Launch Date Postponed to November 10," *Schengen.news*, 17 July 2024, by clicking [here](#).

See A. Symons, "Is the EES delayed again? Everything you need to know about the post-Brexit Schengen checks," *Euronews*, 18 July 2024, by clicking [here](#).

For additional information, see S. Calder, "What will the EU's new entry-exit system mean for British travellers?: Under the entry-exit system, from 10 November 2024 British travellers to the Schengen Area can expect to be fingerprinted and provide a facial biometric," *Independent* (online) (22 August 2024), by clicking [here](#).

Please note that by clicking on these links you are leaving the KPMG website for external sites (non-governmental, non-KPMG), that KPMG is not affiliated with nor does KPMG endorse their content. The use of the external site and its content may be subject to the terms of use and/or privacy policies of its owner or operator.

For prior coverage of EES (and ETIAS), see [GMS Flash Alert 2023-019](#) (24 January 2023).

3 For the regulation regarding EES, see: [Regulation \(EU\) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement \(codification\)](#)¹.

4 For additional information, see "New requirements to travel to Europe" at: https://travel-europe.europa.eu/ees_en.

5 Ibid.

6 See: https://travel-europe.europa.eu/ees/faqs-ees_en.

* * * *

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or the following professional with the KPMG International member firm in the Netherlands:



Daida Hadzic
EMA Head of Quality
Tel. +31 6 532 54 599 (m)
Hadzic.daida@kpmg.com

** Please note the KPMG International member firm in the United States does not provide immigration or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

The information contained in this newsletter was submitted by the KPMG International member firm in the Netherlands.

© 2024 Meijburg & Co is a partnership of limited liability companies under Dutch law, is registered in the Trade Register under number 53753348 and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

www.kpmg.com

Some or all of the services described herein may not be permissible for KPMG audit clients and their affiliates or related entities.

Learn about us:



kpmg.com

© 2024 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved. Printed in the U.S.A. USCS001250-2F

The KPMG name and logo are registered trademarks or trademarks of KPMG International. The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

KPMG LLP is the U.S. firm of the KPMG global organization of independent professional services firms providing Audit, Tax and Advisory services. The KPMG global organization operates in 147 countries and territories and has more than 219,000 people working in member firms around the world.

Each KPMG firm is a legally distinct and separate entity and describes itself as such. KPMG International Limited is a private English company limited by guarantee. KPMG International Limited and its related entities do not provide services to clients.

GMS Flash Alert is a publication of the KPMG LLP Washington National Tax practice.

KPMG International Limited is a private English company limited by guarantee and does not provide services to clients. No member firm has any authority to obligate or bind KPMG International or any other member firm vis-à-vis third parties, nor does KPMG International have any such authority to obligate or bind any member firm. The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.