Case Id: 42462da5-b4e5-4789-a266-7b8c4b968920
Date: 01/09/2015 12:15:51

Public Consultation on the Smart Borders Package

Fields marked with * are mandatory.

Questions to all contributors

* You are responding this questionnaire as:

- (●) An individual
- ( ) A public authority
- ( ) An organisation (non-governmental, civil society organisation, academia, research, social partner, interest group, consultancy, think-tank...)
- ( ) A carrier, transport or tourism operator, or a transport infrastructure operator

* Contributions received from this survey will be published on the European Commission's website (for further information, please consult the privacy statement). Do you agree your contribution being published?

- ( ) Yes, your contribution may be published under your name (or the name of the entity you represent)
- (●) Yes, your contribution may be published but should be kept anonymous (without your name or the name of the entity you represent)
- ( ) No, you do not want your contribution to be published. Your contribution will not be published, but it may be used internally within the Commission for statistical and analytical purposes

Questions to individuals

1. General information — your profile

* First name: (maximum 100 characters)

Text of 1 to 100 characters will be accepted

* Surname: (maximum 100 characters)

Text of 1 to 100 characters will be accepted

* Email address: (maximum 100 characters)

Text of 1 to 100 characters will be accepted

* Occupation: (maximum 100 characters)

Text of 1 to 100 characters will be accepted

Retired (Formerly in software industry)

* Nationality:

between 1 and 3 choices

- ☐ Afghanistan
- ☐ Albania
- ☐ Algeria
- ☐ Andorra
- ☐ Angola
- ☐ Antigua and Barbuda
- ☐ Argentina
- ☐ Armenia
- ☐ Australia
- ☐ Austria
- ☐ Azerbaijan
- ☐ Bahamas
- ☐ Bahrain
- ☐ Bangladesh
- ☐ Barbados
- ☐ Belarus
- ☐ Belgium
- ☐ Belize
- ☐ Benin
- ☐ Bhutan
- ☐ Bolivia
- ☐ Bosnia and Herzegovina
- ☐ Botswana
- ☐ Brazil
- ☐ Brunei
- ☐ Bulgaria
- ☐ Burkina Faso

- Burma
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Central African Republic
- Chad
- Chile
- China
- Colombia
- Comoros
- Congo
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Cyprus
- Czech Republic
- Democratic Republic of the Congo
- Denmark
- Djibouti
- Dominica
- Dominican Republic
- East Timor
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Fiji
- Finland
- former Yugoslav Republic of Macedonia
- France
- Gambia
- Georgia
- Germany
- Ghana
- Greece
- Grenada
- Guatemala
- Guinea
- Guinea-Bissau
- Guyana

- [ ] Haiti
- [ ] the Holy See/Vatican City State
- [ ] Honduras
- [ ] Hong Kong
- [ ] Hungary
- [ ] Iceland
- [ ] India
- [ ] Indonesia
- [ ] Iran
- [ ] Iraq
- [ ] Ireland
- [ ] Israel
- [ ] Italy
- [ ] Jamaica
- [ ] Japan
- [ ] Jordan
- [ ] Kazakhstan
- [ ] Kenya
- [ ] Kiribati
- [ ] Kosovo
- [ ] Kuwait
- [ ] Kyrgyzstan
- [ ] Laos
- [ ] Latvia
- [ ] Lebanon
- [ ] Lesotho
- [ ] Liberia
- [ ] Libya
- [ ] Liechtenstein
- [ ] Lithuania
- [ ] Luxembourg
- [ ] Macao
- [ ] Madagascar
- [ ] Malawi
- [ ] Malaysia
- [ ] Maldives
- [ ] Mali
- [ ] Malta
- [ ] Marshall Islands
- [ ] Mauritania
- [ ] Mauritius
- [ ] Mexico
- [ ] Micronesia
- [ ] Moldova
- [ ] Monaco
- [ ] Mongolia

- Montenegro
- Montserrat
- Morocco
- Mozambique
- Namibia
- Nauru
- Nepal
- Netherlands
- New Zealand
- Nicaragua
- Niger
- Nigeria
- North Korea
- Norway
- Oman
- Pakistan
- Palau
- Palestinian Authority
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Poland
- Portugal
- Qatar
- Romania
- Russia
- Rwanda
- Saint Kitts and Nevis
- Saint Lucia
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa

- [ ] South Korea
- [ ] South Sudan
- [ ] Spain
- [ ] Sri Lanka
- [ ] Sudan
- [ ] Suriname
- [ ] Swaziland
- [ ] Sweden
- [ ] Switzerland
- [ ] Syria
- [ ] Taiwan
- [ ] Tajikistan
- [ ] Tanzania
- [ ] Thailand
- [ ] Togo
- [ ] Tonga
- [ ] Trinidad and Tobago
- [ ] Tunisia
- [ ] Turkey
- [ ] Turkmenistan
- [ ] Tuvalu
- [ ] Uganda
- [ ] Ukraine
- [ ] United Arab Emirates
- [x] United Kingdom
- [ ] United States
- [ ] Uruguay
- [ ] Uzbekistan
- [ ] Vanuatu
- [ ] Venezuela
- [ ] Vietnam
- [ ] Yemen
- [ ] Zambia
- [ ] Zimbabwe
- [ ] Other

* Country of residence:

- ( ) Afghanistan
- ( ) Albania
- ( ) Algeria
- ( ) Andorra
- ( ) Angola
- ( ) Antigua and Barbuda
- ( ) Argentina

- Armenia
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bhutan
- Bolivia
- Bosnia and Herzegovina
- Botswana
- Brazil
- Brunei
- Bulgaria
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- Ecuador

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- Japan
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho

- Liberia
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macao
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Mauritania
- Mauritius
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Namibia
- Nauru
- Nepal
- Netherlands
- New Zealand
- Nicaragua
- Niger
- Nigeria
- North Korea
- Norway
- Oman
- Pakistan
- Palau
- Palestinian Authority
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Poland
- Portugal
- Qatar

- Romania
- Russia
- Rwanda
- Saint Kitts and Nevis
- Saint Lucia
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Swaziland
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- Togo
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States

- Uruguay
- Uzbekistan
- Vanuatu
- Venezuela
- Vietnam
- Yemen
- Zambia
- Zimbabwe
- Other

* Are you:

- An EU citizen
- A non-EU citizen visiting or intending to visit the Schengen area for a short stay (less than 90 days within a period of 180 days)
- A non-EU citizen resident in the EU
- Other

2. The use of biometric identifiers

* The 2013 legislative proposal on the Entry/Exit System requires visa-exempt non-EU citizens entering the Schengen area for a short stay to give 10 fingerprints at the border crossing if they are not registered in the Entry/Exit System — either because it is their first visit or because the data retention period has expired since their last visit.
Travellers who hold a visa will have given fingerprints when applying for it, so would not need to have their fingerprints taken again at border crossings.
The 2013 legislative proposal on the Registered Traveller Programme requires non-EU citizens applying for the programme to give four fingerprints. They would give these when submitting an application under the programme.
Both proposals exempt children under the age of 12 from the requirement to give their fingerprints.
In both cases, biometric identifiers (fingerprints) would be used to improve on identity and verification checks, e.g. to verify that the person crossing the border is the person to whom the passport was issued. The Commission is currently examining the feasibility of using other types of biometric identifiers (in particular photo/'facial image') for this purpose.

What kind of biometric identifiers would you prefer to be used?

- No biometrics at all, only alphanumerical data (for example, your name, surname and travel document number)
- Fingerprints only
- A combination of facial image and a limited number of fingerprints
- Facial image only

* Why? Please explain: (maximum 500 characters)

Text of 1 to 500 characters will be accepted

You have not demonstrated the necessity and proportionality of these measures. The EU Court of Justice has already stated that the blanket retention of data is not authorised in the EU. You have provided no details of the strict legal prerequisites under which access would be granted to EU government agencies which have already provided plenty of evidence that access to this data will be abused and that it will not be held securely. The same goes for the PNR proposal.

* Do you think that the use of biometric identifiers could jeopardise or improve the reliability of border checks?

- ○ Jeopardise
- ○ Improve
- ◉ No opinion / Not sure

3. Process to accelerate border crossing for non-EU citizens

* The 2013 proposal for the Registered Traveller Programme proposes setting up a programme to enable pre-vetted non-EU citizens to benefit from facilitations at borders. This will make it easier and quicker for these pre-vetted frequent travellers to cross borders. The Commission is analysing potential simplifications to this approach.

To what extent do you consider that there is a need for a process to accelerate border crossings by non-EU citizens at the Schengen area's external borders?

- ◉ To a great extent
- ○ To some extent
- ○ To a small extent
- ○ Not at all
- ○ I do not know

* The 2013 proposal for the Registered Traveller Programme provides for a faster border crossing process for those travellers having submitted a specific application. Applicants for the Registered Traveller Programme would be subject to some specific checks when submitting their application. Participation in the programme would require the payment of a fee. For their subsequent journeys, accepted Registered Travellers would be exempt from part of the checks applicable at borders to non-EU citizens. At major external border crossing points equipped with automated border control gates, border checks would be performed using these infrastructures. Where no automated border control gates would be available, Registered Travellers would be able to use the lanes reserved for citizens of EU countries and Iceland, Liechtenstein, Norway and Switzerland.

(A) Do you consider that this specific process to accelerate border crossings should be available for non-EU citizens?

- ○ Yes
- ◉ No

* Why? Please explain: (maximum 500 characters)

Text of 1 to 500 characters will be accepted

> Why should people be required to pay for their own surveillance? In any event, since this reduces the cost of checks at the borders, why not make advanced registration free if you are going to do it at all.

* Another faster border crossing process could be envisaged for those travellers entering the Schengen area for a short stay and whose passport data and biometric identifiers had already been registered in:

- the Visa Information System for travellers holding a short-stay visa;

- the Entry/Exit System for visa-exempt travellers whose data has been registered during a previous journey, if the retention period has not yet expired.

These travellers would be able to benefit from a faster process without needing to submit any application. This process would be available at those border crossing points equipped with self-service kiosks. Some elements of the border checks (passport control, biometric verification, answering questions...) could be performed using self-service kiosks. The decision to authorise or refuse entry would be taken by a border guard who may also need to talk to the traveller for additional verifications.

(A) Do you consider that the process to accelerate border crossings described above should be available for the two categories of travellers listed?

- ◉ Yes
- ○ No

* Please explain: (maximum 500 characters)

Text of 1 to 500 characters will be accepted

If this dreadful system is to be implemented at all, it might as well be as undisruptive as possible.

4. Data

* The 2013 Entry/Exit System proposal sets a limit to how long data can be kept after its collection at the entry and exit of the Schengen area's external borders:
1) A maximum retention period of 181 days after exit (91 days if the traveller has been absent from the Schengen area for 90 days). This retention period enables enforcement of the rule authorising non-EU citizens to stay in the Schengen area during 90 days within any period of 180 days.
2) A data retention period of five years for a person who has overstayed (i.e. remains in the Schengen area beyond the authorised period of stay). This data retention period aims to support the identification of the person and the return to his/her country of origin.
The Commission is evaluating whether these retention periods should be adapted in its new proposal.

Concerning the data retention period for the Entry/Exit System for non-overstayers, would you be in favour of:

- ○ A maximum data retention period of 181 days starting from the exit date. This period is sufficient to calculate the duration of authorised short stays in the Schengen
- ○ A longer data retention period, to speed up border controls as a traveller returning to the Schengen area during the data retention period would not need to re-enrol under the Entry/Exit System, since his/her personal data is still stored in the system and can be reused.
- ◉ Other

* Please explain: (maximum 1500 characters)

Text of 1 to 1500 characters will be accepted

Whatever the ECJ regards as legal within the EU.

* Concerning the data retention period for the Entry/Exit System for people who overstay, would you be in favour of:

- ○ A data retention of five years following the last day of the authorised stay
- ○ A data retention longer than five years
- ◉ A data retention shorter than five years

* Why? Please explain: (maximum 500 characters)

Text of 1 to 500 characters will be accepted

Whatever the ECJ regards as legal within the EU.

5. Law enforcement access to the Entry/Exit System data

* The 2013 Entry/Exit System proposal provides that the option for law enforcement authorities to access data will be evaluated two years after the system enters into operation.
For its forthcoming revised proposal, the Commission is analysing whether law enforcement authorities should have access to the system, and if so, under which conditions. This analysis will address the necessity, appropriateness and proportionality of this option and be accompanied by a fundamental rights impact assessment.

Would you favour granting law enforcement authorities access to the data stored in the Entry/Exit System for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences? This access would be granted under strict legal prerequisites in full compliance with fundamental rights.

- ○ Yes
- ◉ No
- ○ Not yet. The issue should be evaluated two years after the implementation of the Entry/Exit System
- ○ No opinion / Not sure

* Please explain why: (You may tick more than one box)

- ☐ There is no need for such access
- ☑ Other

* Please explain: (maximum 500 characters)

Text of 1 to 500 characters will be accepted

They cannot be trusted not to abuse it. You have given no indication of the "strict legal prerequisites in full compliance with fundamental rights".

* If law enforcement authorities had access to the Entry/Exit System data, which of the following conditions should be implemented to mitigate the impact on fundamental rights and in particular on data protection? (You may tick more than one box)

- [x] Access should be limited to the prevention, detection or investigation of terrorist offences or other serious criminal offences.
- [x] There should be reasonable grounds to consider that the specific envisaged consultation of the Entry/Exit System data will substantially contribute to the prevention, detection or investigation of any of the terrorist or serious criminal offences in question.
- [x] Searches should only be possible in specific cases under clearly defined circumstances. The proposal should exclude searches on a systematic basis.
- [x] The data should be accessible for law enforcement purposes for a predefined limited period of time.
- [x] A court or an independent administrative body should verify in each case if the required conditions for consulting the Entry/Exit System for law enforcement purposes are fulfilled.
- [ ] Access to the Entry/Exit System should only be possible if prior searches in more restricted databases (e.g. Member States' criminal databases) do not provide sufficient results.
- [ ] No opinion / Not sure.
- [ ] Other

Contact

✉ HOME-SMART-BORDERS@ec.europa.eu