

European Scrutiny Committee

House of Commons London SW1A 0AA

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From: Sir William Cash CH MP

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EU Entry/Exit and the UK border

Dear Tom, Guy

Thank you for giving evidence to our inquiry [‘EU Entry/Exit and the UK border’](#) on 1 May this year. Over the course of our inquiry, we published 20 submissions of written evidence and took oral evidence from 15 witnesses. We also visited the Port of Dover and Getlink and staff undertook three site visits. We are grateful to all of those who contributed to our inquiry. We have set out below our main areas of inquiry, including preliminary conclusions and tentative recommendations. We hope that our successor Committee will further consider these issues in the next Parliament.

During our inquiry, we heard evidence from key stakeholders that raises serious concerns about the EU’s Entry/Exit System (EES) and likely delays at the UK’s juxtaposed border points of St Pancras International, the Port of Dover and LeShuttle at Folkestone. We are particularly concerned about delays at the Port of Dover and the knock-on impact that they will have in Kent on the strategic road network, local communities and businesses.

Despite the EU’s EES legislation having been agreed seven years ago, planning and preparing for the system has been marked by delay and uncertainty, stemming mainly from the European Commission.

The EU's Entry/Exit System is a cross-Department issue, with central responsibility sitting in the Home Office. We have heard evidence that suggests responsibility for planning for the introduction of EES did not become the responsibility of the Home Office until around a year ago.

The Government must ensure that formal engagement takes place with the EU on EES to ensure that up-to-date information is shared with the UK's juxtaposed border control points so that effective implementation can be ensured. Requesting a delay to the implementation of EES should be considered, over and above the 'soft launch' that you outlined to us on 1 May.

In the first instance, the Government should negotiate a derogation from EES. The Government could negotiate a change to the relevant EU law for collecting fingerprints at juxtaposed controls if it appears likely that EES will cause ongoing disruption. The UK's Electronic Travel Authorisation scheme, which will soon apply to EU nationals, does not currently require the collection of fingerprints. If the UK intends to do this, which it has indicated it may, it would be fair for the Government to propose a reciprocal derogation for EU/Schengen Area nationals.

It is clear that a mobile application for EES registration could help manage the introduction of EES and reduce queues at the UK's juxtaposed border points. We find it hard to understand, considering the seven-year lead in time for EES and the multiple delays, as to why the EU and France have not developed their promised app in time for the launch of EES. The absence of an app has led to unnecessary costs, as it has required ports to purchase EES registration kiosks which may later be found to be redundant when the app is finally brought online.

The UK should be engaging in discussions with the EU and France urging the need for the mobile app to be rolled out when EES is first introduced.

During your appearance, you indicated that EES trials were due to take place at the UK's juxtaposed border controls but that these had been delayed. We urge you to undertake these trials as soon as possible.

There has been minimal messaging by Government on EES and what it will mean for UK (and third country) nationals crossing the EU's external border. The Government should make firm plans for an awareness campaign in the months leading up to the introduction of EES, to ensure that UK travellers are aware and prepared for the new travel requirements to minimise delays.

The introduction of EES has required construction work at UK ports and will involve ongoing operational costs. We note that the Government has stated it

is considering financial support to the juxtaposed ports. Details of this support should be forthcoming well ahead of EES's go live date.

The Government should consider, if disruption remains at the juxtaposed controls, whether to negotiate a form of remote registration for EES to take place away from the ports, particularly at the Port of Dover.

We are also concerned about how UK nationals covered by the Withdrawal Agreement (WA) will be affected by EES. Although WA beneficiaries should be exempt from EES, we question how exemption will work practically, especially for those who live in EU countries with a declaratory system for WA beneficiaries. Under a declaratory system, the rights of UK nationals eligible for WA protection are recognised automatically by the relevant country's law and individuals do not need to apply for a new residence status.

The Government should be engaging with the EU to ensure that UK nationals protected by the Withdrawal Agreement benefit from those guarantees, especially those who live in declaratory EU Member States.

With every best wish for the future

CHAIR