

European Scrutiny Committee
Eurostar submission – Call for evidence on EU Entry/Exit and the UK border
January 2024

Introduction: Eurostar and EES

Eurostar, the high-speed train operator connecting London to Continental Europe, welcomes the opportunity to submit evidence to the European Scrutiny Committee about the EU's Entry-Exit System (EES) and the UK border.

Eurostar represents about 11 million passenger journeys every year, and half the number of passenger crossings in the Channel Tunnel. Its customer base is predominantly non-EU, with almost 40% of UK nationals and 15% of non-EU passengers from the rest of the world. Eurostar will therefore be uniquely exposed to EES, especially in its main UK outbound terminal of London St. Pancras terminal, which is a historic listed building and is capacity constrained.

Eurostar operations rely on the smooth delivery of juxtaposed on-departure border controls between UK and EU border authorities. Any slowing down of border processes can result in hour-long delays and station congestion. In recent years, the reinforcement of border requirements and the divergence in UK and EU immigration rules has led to further complexity for passengers and a higher operational risk. For the same reason, Eurostar has been voicing its concerns with EES for several years.

Eurostar has been consistently calling for taking as many EES pre-enrolment and pre-travel checks as possible away from terminals and placing remote technology such as mobile applications at the centre of the EES delivery solutions. This argument has been heard by EU and Member States authorities to some extent. However, there is still a material risk of delays and congestion in UK-EU juxtaposed ports when EES is implemented.

The main sources of risk are:

- The performance of pre-departure kiosks and the reliability of the modelled transaction time.
- Rigid legal interpretation of the EES/Schengen regulations resulting in longer or redundant processes, in particular reducing the utility and capacity of existing e-gates.
- Uncertain progress towards remote solutions.

Note on methodology

In July 2023, Eurostar's Head of Public Affairs Renaud Thillaye took part in an oral evidence session organised by the Committee. The written information included below does not deviate from the analysis shared at that time, but hopefully provides an updated and more holistic view.

The submission follows the questions included in the inquiry.

1. The EU first proposed an entry/exit system for the Schengen Area in February 2008. How have proposals for its introduction developed over the last 15 years?

The EES legislation was adopted after the 2015-2017 terrorist attacks. Eurostar does not have any knowledge of earlier legislative projects.

2. Are there currently any other domestic or transnational systems either planned or in operation that are similar to EES?

Not any that Eurostar is sufficiently familiar with. The central role of juxtaposed controls at the UK-EU border also makes the implementation of EES a unique challenge. Contrary to most cases where EES pressures will be felt on arrival in EU territories, they will happen on departure in the UK where Schengen entry controls are performed.

3. The EU's Entry/Exit System was initially due to be introduced in 2022. What challenges do the EU and its Member States face in ensuring the full introduction and effective operation of EES?

This is a question for Member State authorities to answer. The delays incurred by EES suggest that the need for a central system to be connected to domestic ones represents a major technological and security challenge.

Eurostar also observes that the European Commission and Member States authorities have been paying more attention to the far-reaching operational implications of EES in recent years, whereas this was not a primary focus when the EES regulation was adopted. However, the system was and is still designed for airports rather than for city-centre and space-constrained terminals.

4. What challenges will 'third country' (non-EU Member State) ports and operators face servicing destinations in the Schengen Area when EES becomes fully operational?

On the one hand, EES is a promise of automation, with no more wet-stamping of third-country passports visiting the EU on a short stay. Ending passport stamping will be a major step forward.

On the other hand, the complexity of both the first-entry registration process, and the customer journey once registered, is likely to slow down border crossing. This is due to the 'on-site' characteristics of the registration and travel preparation processes. In France, it is proposed that pre-departure kiosks will have to be used systematically on every entry and every exit for passengers to be allowed to use e-gates.

EES may also increase the number of cases as Schengen 'overstayers' will be easier to track down.

Therefore, EES will place non-EU/EEA ports and operators servicing the Schengen Area under pressure for the smooth delivery of operations and will represent a challenge for their growth ambitions.

For operations to remain as smooth as possible, significant investment in border infrastructure is necessary, representing a major financial cost for ports and operators. There is little or – in the case of UK-based juxtaposed infrastructure - no government funding in support of this investment. And even with such investment, Eurostar continues to perceive significant risks arising from the delivery model proposed by EU and Member State authorities.

Only an upgrade of this model, with a comprehensive digital and remote solution at the core and a reduction in process for subsequent exit/entries, could resolutely address the concerns raised by Eurostar and other operators. (see 6.a)

5. How will EES affect the travel experience of third country nationals?

Travel experience will become more complex for non-EU nationals or residents.

On first entry

- Passengers will have their passport scanned.

- They will be subject to the 'Schengen questionnaire' i.e. questions on their personal resources and accommodation at destination.
- They will have to share 2 biometric records under the supervision of a border officer.
- Even if they have performed these 3 steps at a self-registration kiosk, they will need to scan their passport again and have both biometrics verified by a border officer at the control line.

Overall, on first entry, these different steps will add 2 to 3 minutes to the passenger transaction time at the border – including pre-departure kiosks where available. This compares with an average 45 seconds today for non-EU passengers, or less when using an e-gate. If terminals were not upgraded from their current capacities, this would result in queues in excess of one hour at peak times.

On repeat travel

On subsequent entries, passengers will systematically have to answer the Schengen questionnaire.

On subsequent entries and exits, passengers will undergo a facial recognition check.

The exact travel experience on subsequent entries and exits will depend on the way in which the relevant Schengen authorities implement EES. In the case of Eurostar terminals, there is a distinction between French administered controls and controls by the Belgian and Dutch authorities.

- The customer journey proposed by the French appears more complex. France is working with operators to deploy self-service kiosks across the most important terminals, including St. Pancras and Paris Nord, in order to take pressure away from the control line. Passengers who are already registered into EES will be asked to use a kiosk to be allowed to use an e-gate. Whilst kiosks are effective for flow management purposes, they will create a second queue for EES passengers in the wider station environment, thereby rendering the customer journey more cumbersome.
- Belgian and Dutch authorities have not invested in EES kiosks. On Schengen exit in Amsterdam, Rotterdam and Brussels (as well as in Lille), EES passengers will proceed directly to a manual control booth or an e-gate, with a slightly longer processing time to be expected than today.

6. The EU is not planning to allow registration for EES remotely— e.g. via a dedicated website or mobile phone application—or physically at a location away from London St Pancras, Dover or Folkestone (such as an EU or Member State facility in a major UK city).

a. Is this approach justified?

The European Commission and Frontex have confirmed that they are developing a mobile application to enable pre-registration into EES. Eurostar understands that this will include the Schengen questionnaire, a passport scan and a live image record. These features are crucial to enable a safe, remote pre-registration process and keep transaction times at the terminal to a minimum.

Once at the terminal, on first entry, the passenger would be able to easily retrieve pre-recorded data and add fingerprints into the dossier, either at a kiosk or directly with a border guard. On exit and subsequent entries, the app should be able to prepare for border-crossing in the same way as kiosks.

Eurostar understands that the app 'backend' features will be available in Spring for Member States who will have to decide whether to customise it and deploy it at their borders. Eurostar will liaise closely with French authorities to ensure this opportunity is fully used and the app is available in juxtaposed control points on the EES launch date

b. Would remote registration be justifiable for nationals of countries with comparable immigration and security standards to the EU?

Eurostar observes that:

- The UK has robust external border controls in place and does not represent a 'transition' country for migrants wanting to enter the EU illegally.
- British nationals do not represent a serious threat of illegal migration into the EU.

For these reasons, the level of data gathering and scrutiny which will apply to UK nationals under EES does not seem to be justified by the actual level of threat facing the Schengen Area.

Eurostar works with border technology providers who have demonstrated the robustness of remote biometric and passport data capture. Business and frequent Eurostar passengers today have the option of checking in and exiting the UK by using 'SmartCheck' – a solution combining a remote registration app and a single check using facial recognition at the station. The technology used to register and authenticate the person remotely is the same as the one used by the British government for its EU Settlement Scheme during the Brexit transition period.

7. Juxtaposed UK/France(Schengen) border controls are in operation at London St Pancras International, Folkestone and Dover. 1. introduced in its current form, what challenges will EES present UK sites facilitating juxtaposed border controls? 2. Should special dispensation for remote registration or remote pre-registration for EES be provided for at these sites?

As per reply to question 4, EES will represent a challenge for daily operations at London St Pancras International. This will not just be the case during the first few months when high volumes of first-entry passengers are expected to register into EES. Not only will there always be first-time travelling passengers - in particular from Eurostar's growing overseas markets – but repeat travel customers also risk facing a more complex journey.

Simulations run by French authorities and Eurostar have shown that, in order to be able to process the same volume of passengers as on the busiest days of 2019 and 2023, Eurostar and its station manager HS1 have to:

- Deploy 40 to 50 self-service kiosks in the station. This will be done outside the Channel Terminal given space constraints. Kiosks will create new queues and a more complex flow management that will represent a higher risk for the delivery of the timetable and the growth of rail transport from St. Pancras They also represent a significant opportunity cost given the loss of retail surfaces. Finally, it is important to note that the French government only covers the investment costs for 24 kiosks in St. Pancras.
- Strengthen the border control line with many more manual control positions and e-gates to be manned and supervised by the French Police aux Frontières (PAF). However, there is a limit to what can be done within the Channel Terminal given the lack of space, and it is not clear whether PAF will be able to provide sufficient human resources.

To solve these constraints, the availability of remote technology that would over time make kiosks redundant and enable as much travel preparation from home as possible is crucial.

Another aspect is the space needed for border controls at St Pancras International. Eurostar and HS1 have started working together on long-term plans to transform the arrival and departure areas, but this investment faces its own financial, regulatory, and logistical constraints. In any event, this transformation will not take place before EES is launched.

8. In addition to EES, the EU plans to introduce a 'European Travel Information and Authorisation System' (ETIAS) in 2024. The UK's 'Electronic Travel Authorisation' scheme will go live in November 2023. 1. What challenges does the introduction of new EU and UK electronic travel systems present for operators and travellers? 2. Should the UK EU and international partners prioritise interoperability between their respective systems?

Contrary to EES, ETA and ETIAS neither imply on-site registration nor do they require the collection of biometric data. ETA and ETIAS first and foremost represent a customer communication challenge.

Eurostar has already been working closely with the Home Office and the FCDO to inform non-UK passengers about ETA requirements. The campaign will gather pace as the introduction of ETA for EU passengers comes closer. A similar approach will be taken on ETIAS in the course of 2024.

Despite these communication efforts, there is still a risk that passengers arrive unprepared to the station, thereby resulting in congestion. Eurostar welcome the flexible approach that UK and EU authorities have signalled for the first few months of operations.

More fundamentally, whilst Eurostar respects the desire of both UK and Schengen governments to make independent sovereign decisions and develop their own systems, it is inevitable that a failure to coordinate these approaches - and potentially adapt them - particularly in the context of juxtaposed controls, will reduce the compliance and effectiveness of both. This was very evident during COVID.

9. What steps should the UK Government be taking to mitigate potential disruption stemming from the introduction of EES for UK ports, operators, and passengers travelling to the Schengen Area?

Eurostar is already in close contact with the Home Office and the Department for Transport to discuss preparations to EES in its terminals, and the mitigation steps that still need to be taken. Five questions remain active:

- i. The availability on EES Day 1 of the **EES mobile app** in the context of French border crossing points in order to effectively reduce transaction times at ports, not just for first-time passengers but also repeat ones.
- ii. **Effective transition measures** so that terminals have maximum flexibility in the first 6-9 months of operations, with the option of not fully processing all passengers under EES rules when high volumes threaten to bring operations to a standstill.
- iii. A **simple 'business as usual' customer journey**, avoiding the redundancy of kiosk usage when an EES passenger wants to use an e-gate.
- iv. An **emergency brake mechanism** at the highest political level in case the implementation of EES translates in permanently longer queues and lower traffic. This should lead the UK and the EU to consider bespoke arrangements, for instance exempting UK nationals from the collection and verification of biometric records, at least at juxtaposed controls.
- v. **Financial support measures** to ensure the highest degree of preparedness in UK-based juxtaposed controls terminals. EU Member State authorities are providing some support to the investments taking place in their jurisdictions. There does not seem to be the same level of commitment on the UK's side. This is detrimental to the level and pace of preparations.

END OF SUBMISSION

January 2024