



EES: THE NEW DIGITAL ERA OF BORDER CONTROL IN EUROPE

On 12 October 2025, the Entry and Exit System (EES) will come into force throughout the European Union, one of the most ambitious reforms in border control in recent decades. This system will replace the traditional manual stamping of passports for third-country travellers with a centralised digital register that will transform the way external borders are crossed.

Implementation will be gradual, with full operation expected by April 2026, and will directly affect authorities, airlines and passengers. For some, it will mean adapting infrastructure and human resources; for others, incorporating new verification processes that will impact daily operations; and for travellers, it will mean a different experience when crossing the border. With this, the EU aims to strengthen the security of the Schengen area, reduce document fraud and ensure more accurate control of short stays, limited to 90 days in a 180-day period, identifying both stays exceeding the authorised period and possible irregular entries.

In this newsletter, we will discuss the origin and regulatory basis of the EES, its implications for airlines, and reflect on the operational challenges posed by border management in a technology-driven environment.

REGULATORY ORIGIN: WHY THE EES WAS CREATED AND WHAT WILL CHANGE FROM 12 OCTOBER 2025

The legal basis for the EES is found in Regulation (EU) 2017/2226¹, which established the creation of the system and entrusted its technological development to the European agency eu-LISA, responsible for large data management systems in the field of justice and home affairs². This initial text was later supplemented by Regulation (EU) 2021/1150³, which introduced technical adaptations, and the more recent Regulation (EU) 2025/1534⁴, which set the final date of entry into force and outlined the operational details of its deployment.

The regulation responds to a need that has been identified for years, as the traditional model of border control, based on the manual stamping

of passports, was insufficient to manage the growing volume of passengers and limited in its ability to verify compliance with short-stay requirements. The EES, therefore, emerges as a digital and centralised system that allows for the automated recording of biographical data, fingerprints and photographs of third-country travellers, storing them in a common Union database.

Therefore, from 12 October 2025, the EES will apply at all external borders of the European Union and the Schengen area, i.e. only when entering from or leaving to a third country⁵. And, although implementation will be simultaneous throughout the European Union, in Spain the roll-out will be gradual. It will begin at Madrid-Barajas Airport and will gradually be extended to other airports, ports and land border crossings, until it covers all 81 border posts in the country (43 air border crossings, 34 sea border crossings and 4 land border crossings)⁶.

THE CHALLENGE OF BORDER MANAGEMENT AND ADVANCED TECHNOLOGY

Thus, border control will no longer depend mainly on manual intervention by agents, placing technology at the centre of the process. The transition to the EES undoubtedly represents a logistical and human challenge of enormous magnitude. Airports such as Adolfo Suárez Barajas (Madrid) and Charles de Gaulle (Paris), which receive tens of thousands of passengers from third countries every day, will have to process biometric data on a massive scale for the first time, and the simple initial registration –fingerprinting and photographing– can add up to two minutes per traveller, generating significant queues at peak times or, in extreme situations, even temporarily interrupting the operational flow.

Therefore, we must not overlook the fact that the success of the system will depend largely on the coordination between technological and human resources. Automation, biometric checkpoints and the reinforcement of border staff will be essential to ensure the smooth flow of traffic and prevent innovation from becoming a bottleneck rather than a streamlining measure.

¹ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System.

² European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice ([eu-LISA](https://eu-lisa.europa.eu/)).

³ Regulation (EU) 2021/1150 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EU) 2018/1862 and (EU) 2019/818 as regards the establishment of the conditions for access to other EU information systems for the purposes of the European Travel Information and Authorisation System.

⁴ 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 gradual entry into operation of the Entry/Exit System. This latter regulation addressed the concerns of countries such as France, Germany and the Netherlands, which feared that immediate implementation would cause their airports to become overwhelmed.

⁵ For further information, please refer to the following link: <https://travel-europe.europa.eu/es/ees/to-whom-does-ees-not-apply>

⁶ The EES will be implemented gradually at border control points in the Schengen area, with completion scheduled for 9 April 2026. During this period, not all crossing points will collect data immediately, and it should be noted that, until 6 October 2026, carriers must continue to check passport stamps. We remain at our customers' disposal to provide any further details on the EES rollout schedule in Spain.

It should also be added that the EES will not be on its own. Throughout 2026, the European Travel Information and Authorisation System (ETIAS) is expected to come into force, providing prior travel authorisation for visa-exempt citizens⁷. Together, the EES and ETIAS will form the architecture of the new European mobility model: one will record entries and exits, while the other will allow travellers to be screened even before boarding, creating a comprehensive and digitised border management model.

CHALLENGES AND IMPLICATIONS FOR AIRLINES

This transformation of border control will not only affect authorities and airport systems; it will also have a direct impact on airlines. As the first point of control in the travel chain, airlines will have to take on new responsibilities, adapt their internal processes and face additional costs arising from the advance verification of passengers, coordination with the authorities' systems and the management of possible incidents.

With the introduction of the EES and in order to comply with the obligations of the Convention implementing the Schengen Agreement and Regulation (EU) 2017/2226, airlines must register with eu-LISA in order to access the transport interface to verify that third-country nationals meet the documentary requirements before allowing them to board⁸. This means that, at least 48 hours in advance, airlines must send Advance Passenger Information (API) for cross-checking with the EU database⁹. Therefore, this regulatory framework, which aims to reduce the margin of error to virtually zero, reinforces their role as the first line of immigration control, giving them greater co-responsibility, which previously used to fall almost exclusively on the border authorities.

This could also have an impact on the commercial dynamics of airlines, as the sale of last-minute tickets –traditionally a source of profitability on certain routes– could be seriously limited by the need to validate the API in advance, leaving little room for passengers who purchase their tickets just a few hours in advance to boarding, and forcing the sector to rethink its revenue strategies and adjust the flexibility of its product.

Similarly, on the operational side, airlines will have to inform passengers about the existence of the EES¹⁰ and have real-time assistance systems in place to resolve any incidents, in order to avoid situations of stranded passengers, delayed flights and difficult-to-manage complaints. At the same time, they will have to manage the inevitable slowdown in passenger boarding and disembarking, given that initial biometric checks, which include fingerprinting and photography, can cause significant delays at border controls, as already indicated, with the consequent impact on punctuality, aircraft turnover, slot allocation and, in cases of prolonged delays, the obligation to compensate passengers.

In addition to these challenges, there are more specific issues that various aviation industry associations, such as IATA, A4E, AAPA, AIRE, ALTA and Airlines for America, among others, have raised with the European Commission and Member States¹¹, highlighting, in particular, the treatment of crew members and the lack of clear and centralised communication from national authorities.

On the one hand, they stress that currently only 16 countries issue the so-called *Crew Member Certificate* (CMC), which means that the vast



majority of crew members do not have this document. With the entry into force of the EES, those who do not have it will be subject to the same procedures as passengers, including biometric capture, which increases administrative burdens, recurring costs and potential disruptions to staff rotations. Therefore, given the potential cost of issuing the CMC across the board –estimated at four million euros– they propose a two-pronged approach: a legislative solution that expands and harmonises the documents valid for crew members, with a focus on digitalisation, and immediate operational measures to maintain border fluidity through specific queues, simplified procedures and temporary exceptions.

On the other hand, they argue that, although the regulations recognise the importance of transparency in the deployment of the EES at each control point, in practice, only some States have shared detailed information with airlines, making it unfeasible to require each company to contact dozens of airports and authorities individually. As a solution, they propose the creation of a single, accessible channel where States can publish their implementation plans, deployment phases and possible derogations, thus ensuring that airlines can prepare their systems and equipment in advance.

In a nutshell, the tension that the EES introduces in the aviation sector is not only technical, but also organisational. Without the adoption of the measures demanded by the industry, companies will face not only penalties for improper boarding, but also higher operating costs, risks of delays and increased exposure to passenger claims. Therefore, the roadmap proposed by these associations –legal amendments, transitional measures and centralised communication channels– is presented as an essential element to ensure that the transition to EES does not erode the competitiveness of airlines or the quality of the passenger experience.

⁷ ETIAS is a mandatory electronic authorisation for travellers from visa-exempt countries who wish to enter the Schengen area, including Spain, for short stays of up to 90 days in a 180-day period. It works in a similar way to the US ESTA system, allowing European authorities to carry out security and immigration checks before the traveller's arrival. Although it was initially planned to be implemented in mid-2025, the European Commission has announced that its entry into force is likely to be postponed until 2026. During a transitional period of approximately six months, ETIAS will not be required at the time of boarding, allowing travellers, airlines and border authorities to adapt to the new procedure, while the necessary information is disseminated to ensure future compliance.

⁸ The use of the digital interface (carrier interface) will be optional between 12 January and 9 April 2026, and mandatory from that date onwards. In addition, airlines will be required to continue checking passport stamps until 6 October 2026.

⁹ For further reference, please refer to the [EES guide published by ACI Europe](#).

¹⁰ It is recommended that passengers be informed about the EES through the usual channels, such as flight emails, websites or check-in reminders, and supplemented with printed materials at airport counters and hubs.

¹¹ For further reference, please refer to the document published by these associations: [Industry Recommendations: On residual challenges ahead of the EES start of operations](#).

CONCLUSIONS

The EES marks the beginning of a new era in European Union border policy, with the ambition of strengthening security, optimising efficiency and adapting migration control to the standards of the digital age. Its immediate impact is not limited to the regulatory framework, but also poses major operational and organisational challenges, especially for airlines, which will assume additional responsibilities in the pre-screening of passengers and crew management, as well as the need to coordinate their processes with the information provided by Member States.

In this context, anticipation and preparation become decisive factors. Companies that adapt their internal systems, train their staff, establish clear internal circuits and communicate transparently with travellers will be better positioned to minimise risks, avoid operational disruptions and preserve passenger confidence.

At *PionAirLaw*, we will continue to closely monitor the implementation of the EES and accompany our clients in this transition process, with the aim of helping them to manage an inevitable situation as an opportunity for strategic strengthening.

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