

ETIAS Fundamental Rights Guidance Board

WORK PROGRAMME 2023-2024

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1. **Introduction**

The ETIAS Fundamental Rights Guidance Board (the “Guidance Board”) was established by Regulation (EU) 2018/1240. It has an advisory and appraisal function.

More specifically, the mandate of the Guidance Board is to:

- perform regular appraisals,
- issue recommendations to the ETIAS Screening Board,
- support the ETIAS Screening Board in the execution of its tasks, when consulted.

The focus of the consultations is the impact of the processing of applications on fundamental rights, and the Screening Board may seek the advice of the Guidance Board on specific issues related to fundamental rights, including on the ETIAS screening rules and risk indicators (Article 33, ETIAS Regulation), in particular with regard to privacy, personal data protection and non-discrimination.

In accordance with Article 10(1) of Regulation (EU) 2018/1240, the Guidance Board is composed of the following members:

- the Fundamental Rights Officer of the European Border and Coast Guard Agency (Frontex),
- a representative of the Consultative Forum of Frontex,
- a representative of the European Data Protection Supervisor (EDPS),
- a representative of the European Data Protection Board (EDPB), and
- a representative of the European Union Agency for Fundamental Rights (FRA).

In line with the Rules of Procedure of the Guidance Board adopted on 14 November 2022, each member can have up to two alternate representatives.

The Guidance Board hereby presents its first work programme for the term 2023-2024. Its focus is to closely follow and support the setting up and implementation of the ETIAS governance structure and mechanisms.

2. Fields of work

2.1 Internal capacity building

The Guidance Board will pro-actively collect information and maintain a high-level of awareness of relevant developments, in particular as regards:

- ETIAS and connected/related EU IT-systems, as well as Interpol and Europol databases,
- algorithmic profiling,
- specific risk indicators/the watchlist and contributing actors,
- security/irregular migration/high epidemic risks.

The Guidance Board will continuously strengthen its knowledge base as regards the fundamental rights implications within the above areas, particularly as they relate to privacy and protection of personal data, the right to non-discrimination, human dignity, best interests of the child, and on rights of the elderly, and persons with disabilities.

The Guidance Board will organise regular training for its members and may invite external experts to its meetings.

The Guidance Board will build on synergies with relevant projects and activities carried out by the Guidance Board members themselves, or other stakeholders and partners.

2.2 Initial technical and organisational implementation of the ETIAS system

2.2.1 Support the setting up of ETIAS

The Guidance Board will monitor and provide fundamental rights guidance to support the setting up of the ETIAS entities, such as the ETIAS Screening Board, the ETIAS Central Unit, and the ETIAS National Units. It will equally support the setting up of the operational aspects of the ETIAS system, notably the application of specific risk indicators and the ETIAS watchlist.

Such support will be provided through:

- physical or online presence of the members of the Guidance Board in meetings that serve to establish those entities.

- encouraging the proper functioning of the other ETIAS entities, as regards their interaction with the Guidance Board, with a view to ensuring that fundamental rights considerations are appropriately considered.

2.2.2 Screening rules

The Guidance Board will contribute to the establishment of the screening rules, as foreseen in Article 33 of the ETIAS Regulation, and to the setting up of the review process.

It will do so by:

- developing specific recommendations for the assessment of the screening rules as regards their impact on fundamental rights, in particular the right to non-discrimination.

2.2.3 ETIAS watchlist

The Guidance Board will contribute to the establishment and implementation of the ETIAS watchlist, as foreseen under Articles 34 and 35 of the ETIAS Regulation.

It will also contribute to the setting up of review processes as regards the ETIAS watchlist.

2.2.4 Processing of applications

The Guidance Board will monitor and may contribute fundamental rights-related guidance with regard to the implementation of the ETIAS application process, including the submission of the application, the automated processing, the verification procedure, the manual processing, and the issuing of a decision to issue, refuse, annul or revoke an ETIAS authorisation. The Guidance Board may also provide input as regards transparency requirements and the establishment of effective appeal procedures.

2.2.5 Specific consultations

The Guidance Board will provide constructive and timely advice on consultations as provided for in Articles 9(5) and 10(2)(2) of the ETIAS Regulation.

3. Working methods and tasks

According to its mandate, the Guidance Board will issue recommendations, appraisals, and provide advice in any other appropriate format.

The Guidance Board will act in line with its Rules of Procedure.

The Guidance Board will conduct regular meetings to which representatives of other ETIAS entities, relevant EU agencies, as well as other stakeholders may be invited. It will work in an atmosphere of open exchange, aiming at taking unanimous decisions.

The work of the Guidance Board will be supported by its Secretariat.

The members of the Guidance Board will ensure its active participation in meetings of the ETIAS Screening Board and in other ETIAS related meetings. The members of the Guidance Board shall seek to ensure an effective access to information and files of the ETIAS Screening Board. The Guidance Board will actively gather other relevant information.

The Guidance Board will ensure a systematic knowledge management, including a dedicated extranet, and the collection of information of special interest.

It shall maintain an ongoing list of work items (open, pending, closed) and update this work programme regularly. The Guidance Board members shall ensure confidentiality of deliberations and proceedings, in line with the adopted rules of procedures.

The Guidance Board will promote its work, make sure that its achievements conform to the principle of transparency and reach out to the general public. It remains open to handle any kind of requests for information or requests for documents.

Every year, the Guidance Board will publish its annual report.