

**XXII International Scientific Conference „Legal days –
Prof. Slavko Carić”
“LAW AND JUSTICE”**

The University of Business Academy in Novi Sad
The Faculty of Law for Commerce and Judiciary in Novi Sad

October 10th and 11th 2025 in Novi Sad

Proceedings of XXII International Scientific Conference

“Legal days – Prof. Slavko Carić”

“LAW AND JUSTICE”

October 10th and 11th 2025 in Novi Sad

Organized by the University of Business Academy in Novi Sad

The Faculty of Law for Commerce and Judiciary in Novi Sad

The Publisher:

The University of Business Academy in Novi Sad

The Faculty of Law for Commerce and Judiciary in Novi Sad

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Web: www.pravni-fakultet.info

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Printed by:

Štamparija FELJTON

Circulation:

100

ISBN 978-86-86121-84-4

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EUROPEAN TRAVEL INFORMATION AND AUTHORISATION SYSTEM (ETIAS)- MASS PROTECTION OR MASS CONTROL?¹

Abstract:

Significant and frequent population fluctuations have prompted the European Union (EU) to address migration challenges since 2015 by implementing information technology systems utilising artificial intelligence (AI). Schengen Area member states aim to enhance security, prevent unauthorised migration, and protect public health by mitigating risks associated with visa-exempt third-country nationals. To operationalise these objectives, the European Commission proposed the European Travel Information and Authorisation System (ETIAS) in 2016, which was adopted in 2018. ETIAS is designed to issue travel authorisations for visa-exempt third-country nationals and to collect relevant information on travelers prior to their arrival at the external borders of the Schengen Area. The collection, processing, storage, and, in certain cases, sharing of special categories of personal data for ETIAS travel authorisation purposes have raised concerns regarding the underlying intentions of the EU. This paper examines the features and practical implications of ETIAS, offering a new perspective on EU border management. It evaluates the system's effectiveness in enhancing security through migration control at the external borders of the Schengen Area and questions whether ETIAS achieves its stated objectives or, instead, infringes on the human rights of visa-exempt third-country nationals, particularly their rights to privacy and data protection, in pursuit of broader surveillance and mass control goals.

Keywords: ETIAS, right to private life, data protection, security, mass control

*Roses are red,
Violets are blue,
I care about my privacy
And what about the EU?*

¹ Paragraphs 1,3, and 4 are by Tamara Staparski; paragraph 2 is by Valentina Ranaldi

1. INTRODUCTION

Moving, strolling, travelling, and calling—all of these share a common element: a sense of freedom. The freedom to change location, to experience new emotions, to see new sights, and to engage with diverse cultures, individuals, and religions. Freedom to feel alive. Moshe Dayan² once said, „*Freedom is the oxygen of the soul.*“³ And every human being has the right to breathe deeply.

Movement – a voluntary and free physical action. However, when combined with changes in space and location according to modern rules and restrictions, can it still be considered free? Will future travel continue to nourish the body and soul, provide the freedom to relocate for studying, personal and professional development, and remain a common aspect of business that involves international cooperation, or will the price for crossing borders be too high to pay? And is that future still years away or just a few heartbeats?

In the last two decades, the flow of individuals has increased drastically within European borders. Because of its cultural, historical, and architectural attractions, some European cities are experiencing an overabundance of tourists eager to absorb the unique beauty and charm they offer. Many of them frequently lack awareness of cultural divergences, social standards, and local customs, which can lead to concerns and discomfort among local citizens. Nevertheless, the residents of these places constantly voice their profound displeasure with the influx of tourists from around the globe, attempting to maintain the tranquillity as well as the local landmarks and culture through various “struggle” tactics. Conversely, prolonged multi-year migration crises resulting from the substantial exodus of individuals from their homes and endangered regions in pursuit of safety and improved living conditions are inducing significant changes in the host nations. Rather than assimilation, the substantial influx of immigrants results in their customs and behavioural norms prevailing over time, which progressively engenders a disregard for local regulations, laws, and social standards. Considering that individual migration can hide ulterior motives, such as entering Europe to execute terrorist attacks that result in severe repercussions and significant losses, the security of EU citizens emerges as an essential priority for EU Member States. Under the umbrella of security protection, with a focus on migration control and terrorism prevention, states, including European Union (EU) Member States, utilise modern technology at border controls that collect, process, and store data. According to the Communication from the Commission to the European Parliament and the Council, in 2015, over 200 million regular border crossings occurred at the EU’s external borders, meaning that more than 50 million non-EU nationals entered the Schengen area.⁴ However, the same year also saw a migration crisis driven by political instability in Syria and other regions, leading to the unlawful crossing of Europe’s external borders by nearly 1.8 million people.⁵ This highlighted the need for migration assessment and improved security measures, which the EU resolved to address by implementing new

2 An Israeli military leader and politician.

3 SUCCESS, (2 August, 2025). Retrieved from: <https://www.success.com/22-inspiring-quotes-about-freedom/FR>

4 Communication from the Commission to the European Parliament and the Council, Stronger and Smarter Information Systems for Borders and Security, Brussels, 6.4.2016. COM(2016) 205 final. Brussels: European Commission (2 August, 2025), p. 2. Retrieved from: https://www.eulisa.europa.eu/sites/default/files/documents/communication_on_stronger_and_smart_borders_20160406_en.pdf

5 Ibid

technical solutions through the development of the European Travel Information and Authorisation System (ETIAS).

However, a wide range of human rights protected by international law may be affected by border control and counter-terrorism technology and methods, with the most relevant in this situation being freedom of movement, the right to seek asylum, equality and non-discrimination, and the right to privacy and data protection⁶. So, the question arises: does the ETIAS serve as a mechanism for the EU to enhance the security of its citizens through detailed and technologically sophisticated controls, or is it a facade that conceals a comprehensive effort to monitor visa-exempt third-country nationals (hereinafter: TCNs) by infringing upon their privacy through the collection, processing, and storage of sensitive personal data?

2. THE CONCEPT OF ETIAS

The terrorist attack in the USA on September 11, 2001, spurred the EU to contemplate improved security measures and to initiate the development of the idea of „smart“ borders.⁷ Subsequent global events and the 2015 migrant crisis led the EU to tighten restrictions on its external borders for individuals exempt from entry visas. By utilising current technology to regulate the immigration of non-EU residents, the EU would increase the security and peace of mind that its citizens rightfully deserve. During his tenure as President of the European Commission, in his 2016 State of the Union address⁸, Jean-Claude Juncker stated that “We need to know who is crossing our borders. By November, we will propose an automated system to determine who will be allowed to travel to Europe. This way we will know who is travelling to Europe before they even get here”⁹. As promised, on 16 November 2016, the European Commission adopted a proposal to establish ETIAS (hereinafter: the Proposal).¹⁰ It included, *inter alia*, an overview of ETIAS, the rationale behind its implementation, a detailed examination of the application and issuance process, controls at the external Schengen border crossings, the technical features of the system, financial aspects, Europol’s role, the legal framework supporting the system’s introduction, and its impact on fundamental human rights.¹¹ The primary role of the system is to proactively evaluate potential security concerns, epidemiological risks, and

6 Border management and human rights, *Collection, processing and sharing of personal data and the use of new technologies in the counter-terrorism and freedom of movement context*. Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR), pp. 9-11 (2 August, 2025). Retrieved from: <https://www.osce.org/odihr/499777>

7 Duić, D., Rošić, M. (2021). Interoperability between the EU information systems – from an idea to the realisation. *Polic. sigur. (Zagreb)*, 31(2), p. 123.

8 The September annual State of the Union address by the President of the European Commission to the European Parliament, in which he presents the accomplishments of the past year, as well as plans and objectives for the upcoming one.

9 Security Union: Commission proposes a European Travel Information and Authorisation System, European Commission (2 August, 2025). Retrieved from: https://ec.europa.eu/commission/presscorner/detail/en/ip_16_3674

10 European Commission, Proposal for a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 515/2014, (EU) 2016/399, (EU) 2016/794 and (EU) 2016/1624, Brussels, 16.11.2016, COM(2016) 731 final, 2016/0357 (COD).

11 Ibid

unlawful immigration linked to the entry of non-EU visa-exempt residents through the implementation of travel authorisation and automated procedures.¹²

After nearly two years of consensus between the European Parliament and the Council on its essential elements, the European Commission adopted the Regulations¹³ (hereinafter: the Regulation (EU) 2018/1240) establishing ETIAS as a legally binding act on 12 September 2018. According to it, by evaluating visitors before they arrive at external border crossing points, ETIAS should help maintain a high degree of security, deter illegal immigration, and safeguard public health.¹⁴ Due to the necessity for current technology solutions that are not uniformly accessible to all Member States within the same timeframe, the introduction of ETIAS has been delayed multiple times. Its latest implementation is scheduled to commence in the last quarter of 2026¹⁵, accompanied by a 6-month transitional period to facilitate travellers' adaptation to its introduction.¹⁶ Nationals from over 55 visa-exempt countries will need to obtain an ETIAS travel authorisation for short-term visits of up to 90 days within the EU, which will remain valid for up to three years or until the expiration of the travel document used to secure the authorisation.¹⁷ A notable innovation in contemporary travel within EU borders is the information that travellers will submit in their ETIAS application. Specifically, the application won't be taken into consideration if it doesn't include information listed in the Article 17 of the Regulation (EU) 2018/1240, such as details on the applicant's personal information,¹⁸ present occupation and its level of education, travel document, the country of initial planned stay and the address of traveller's destination, as well as prior trips to conflict areas, convictions for criminal offences and details regarding a ruling by an authorised entity mandating the applicant's departure from the territory of a state.¹⁹ However, obtaining an ETIAS travel authorisation does not automatically entail crossing the border, but is conditional on meeting the entry requirements outlined in Article 6 of the Regulation (EU) 2016/399²⁰. In a broader context, ETIAS, along with the Entry/Exit System (EES)²¹, which precedes it, forms a modern IT framework for regulating future entries at the external borders of the Schengen area. While these are two distinct IT systems, the ETIAS travel authorisation will be irrelevant without the EES, which will start operating on October 12, 2025.²² In this manner, the European

12 Csatlós, E. (2025). Blending digitalization and enhanced security: Exploring the role of ETIAS in migration control and its administrative structure. *Hungarian Journal of Legal Studies*, 65 (2024) 3, p. 324.

13 European Parliament and of the Council (2018). Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226. Official Journal of the European Union, L 236

14 Ibid, p. 2

15 European Union, Official ETIAS Website (4 August, 2025). Retrieved from: <https://travel-europe.europa.eu/etias>

16 ETIAS Info Pack, Public Version, June-July 2024, FRONTEX (4 August, 2025). Retrieved from: <https://www.scribd.com/document/879683099/ETIAS-Info-Pack-May-2024-Public-NBF-20240527>

17 Ibid, p. 3

18 Applicant's full name, surname, date and place of birth, citizenship, residential address, parents' given names, email address, and telephone number

19 European Union, Official ETIAS Website, *op. cit.*

20 European Parliament and of the Council (2016). Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification). Official Journal of the European Union, L 77.

21 An automated IT system for registering non-EU nationals traveling for short stays upon each crossing of the external borders of 29 European countries.

22 European Union, Entry/Exit System (4 August, 2025). Retrieved from: <https://travel-europe>.

Union has introduced an additional innovation in the collection, processing, and storage of personal data. In particular, travellers must provide facial images and fingerprints each time they cross borders into the Schengen area to comply with the EES.²³ Given the extensive data that will be collected, processed, and stored in the databases of the EES and ETIAS information systems, along with the sensitive nature of this information, a question arises: Is the purpose of this control solely to protect the security of the external borders and the internal territory of the Schengen area, or does the monitoring of non-EU visa-exempt residents' movements reflect underlying motives related to future EU decisions?

3. CRITICISMS AND (UN)JUSTIFIED APPREHENSION

The COVID-19 pandemic has served as a significant social experiment aimed at global control of individual movements, all under the banner of public health protection. Fearing an unknown disease and experiencing anxiety over the “lockdown” imposed to prevent its spread, people eagerly awaited the “opening” of international borders and the return of “freedom” of movement. However, many did not consider the costs associated with this newfound “freedom” and readily provided their private and personal data to obtain permission to cross the border, without questioning or considering who was collecting, storing, processing, and using that data and for what purposes. This situation was an excellent indicator for tacitly accepting new conditions for future travel, including the implementation of the EES and the ETIAS.

Although promoted as an advanced system that will accelerate and simplify border crossing procedures while enhancing the EU security policy, ETIAS is sparking various disputes and differing opinions among the public and scholars.

By promoting ETIAS and informing the general public about its features and new procedures, the European Commission has emphasised ETIAS's potential impact on numerous human rights protected by international treaties, in particular the right to dignity, the right to liberty and security, the right to asylum and protection in the event of removal, expulsion or extradition, the right to non-discrimination, respect for private and family life, the protection of personal data, the rights of the child and the right to an effective remedy.²⁴ As highlighted, the range of fundamental rights threatened by ETIAS is extensive; however, this paper will specifically focus on the right to private life and data protection.

Articles 7 and 8 of the Charter of Fundamental Rights of the European Union²⁵ (hereinafter: the Charter), together with the General Data Protection Regulation (GDPR)²⁶, underscore the paramount importance of privacy and data protection rights. These legal

europa.eu/ees

23 Ibid

24 Jeandesboz, J., et al. (2017). *European Travel Information and Authorisation System (ETIAS): Border management, fundamental rights and data protection*. European Parliament, Directorate General for International Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, p. 41.

25 Charter of Fundamental Rights of the European Union (2012), Official Journal of the European Union, C 326

26 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (2016), Official Journal of the European Union, L 119

frameworks firmly establish that safeguarding individual privacy and data is not just a priority, but a fundamental obligation of the EU. However, considering the nature of the data that will be collected from non-EU visa-exempt residents, along with the fact that private contractors develop the AI and the algorithms used to collect, store, and process this data, there are significant concerns regarding privacy and data protection. Furthermore, the new EU legislation related to ETIAS raises questions about the extent to which the principles of privacy protection and data security are genuinely upheld in the EU's interest.

3.1. Interference in the right to private life and data protection

For ETIAS to fulfil its objective of profiling visa-exempt TCNs, it must “communicate” with other EU centralised systems designed to control these travellers by collecting and processing their private data. It is precisely the interoperability of EU information systems - the Schengen Information System II (SIS II), Visa Information System (VIS), European Dactyloscopy (Eurodac), Entry/Exit System (EES), European Criminal Records Information System for third-country nationals (ECRIS-TCN), the European Search Portal (ESP), a Biometric Matching Service (BMS), a Common Identity Repository (CIR) and a Multiple Identity Detector (MID)²⁷ - that allows ETIAS to detect potentially “dangerous” travellers who could pose a threat to EU security. Inversely, the ETIAS will comprise an extensive information system, including the ETIAS Information System (developed by eu-LISA), the ETIAS Central Unit (established within the European Border and Coast Guard Agency—Frontex), and the ETIAS National Units (established within a designated competent authority in each Member State).²⁸ It is precisely the interoperability, tripartite structure of ETIAS, and the nature of the data that will be collected that raised concerns for data protection and the right to private life.

Principle of proportionality and necessity. As noted in recitals 29 and 41 of the Regulation (EU) 2018/1240, the intended purpose of ETIAS affects the right to data privacy protected by Article 8 of the Charter; but compliance with the Charter relies on whether this interference is justified according to the provisions of Article 52(1) of the Charter, particularly the principle of strict necessity.²⁹ In his Opinion on the Proposal from 2017³⁰, EDPS³¹ emphasizes that „the lack of a data protection impact assessment, which is a fundamental prerequisite, does not make it possible to fully assess the necessity and proportionality of ETIAS as it is currently proposed”. A recent instance illustrating the violation of the strict

27 Vavoula, N. (2020). Interoperability of EU Information Systems: The Deathblow to the Rights to Privacy and Personal Data Protection of Third-Country Nationals?. *European Public Law*, ISSN 1354-3725, p. 132.

28 EDPS Opinion on the ETIAS DPIA (Case 2021-0640), European Data Protection Supervisor (5 August, 2025). Retrieved from: https://www.edps.europa.eu/data-protection/our-work/publications/supervisory-opinions/etias-data-protection-impact-assessment_en

29 Brouwer, E., Zandstra, T. (2022). Fundamental Rights at the Digital Border: ETIAS, the Right to Data Protection, and the CJEU's PNR judgment (August 5, 2025). Retrieved from: <https://verfassungsblog.de/digital-border/>

30 EDPS Opinion on the Proposal for a European Travel Information and Authorisation System (ETIAS), 3/2017, European Data Protection Supervisor (5 August, 2025). Retrieved from: https://www.edps.europa.eu/data-protection/our-work/publications/opinions/european-travel-information-and-authorisation-system_en

31 European Data Protection Supervisor

necessity principle through artificial intelligence (AI) at border crossings is the judgment³² of the European Court of Justice (CJEU) on the PNR Directive³³. Namely, the Ligue des droits humains (LDH)³⁴ filed an action before the Constitutional Court of Belgium in 2017, challenging the law adopted on 25 December 2016, which regulated the processing of passenger data. This law incorporates, among other things, the PNR Directive, which governs the collection and processing of air passenger data, into Belgian national legislation. Before issuing its judgment, the Constitutional Court of Belgium referred the matter to the CJEU for an appropriate opinion, questioning, *inter alia*, the requirement of the necessity of the PNR (passenger name record) system for the collecting, transfer, processing and storage of PNR data, as well as the justification for the retention period of such data. The CJEU found that the PNR Directive significantly interferes with the right to private life and data protection enshrined in Articles 7 and 8 of the Charter, as it endeavours to „introduce a surveillance regime that is continuous, untargeted and systematic, including the automated assessment of the personal data of everyone using air transport services“. The CJEU further emphasized that for Member States to legally justify restrictions on the rights to private life and data protection, as guaranteed by the Charter, they must demonstrate that the necessity of interfering with these rights is proportionate to the importance of the general interest objective that the restrictions aim to achieve. Regarding the use of private data collected from passengers, the CJEU stressed that Member States must clearly define a specific and restricted purpose for this data collection.³⁵

If we apply these CJEU's positions to ETIAS, the general nature and category of data collected from all travellers from visa-exempt third countries, without a clear objective reason, do not align with the principle of strict necessity. Conversely, the Regulation (EU) 2018/1240 does not clearly describe the purpose of collecting various types of data listed in Article 12 from visa-exempt non-EU travellers.³⁶ For instance, data such as the name of the applicant's parent, their level of education, current employment, including the IP address of the device used to submit the ETIAS authorisation application, do not contribute to assessing whether the individual poses a potential security threat to the EU, either physically or in terms of health. Since the Regulation (EU) 2018/1240 failed to justify the strict necessity of collecting the aforementioned data, it can therefore be concluded that this constituted a violation of the right to private life and data protection as guaranteed by the Charter.

Storage and access to personal data. In its 2017 Opinion, the EDPS emphasised that establishing the ETIAS through the Proposal will provide a substantial amount of personal data to various public authorities, which will significantly impact the legal protection of personal data. Specifically, Regulation (EU) 2018/1240 assigns the development and technical management of the ETIAS system to eu-LISA, which, in carrying out these responsibilities, is required to respect the principles of privacy by design and by default at all times. Furthermore, eu-LISA is responsible for managing the information security of the ETIAS Central System as a controller. Meanwhile, Frontex is regarded as the controller for

32 *Ligue des droits humains ASBL v Conseil des ministres*, CASE C-817/19, Judgment of the Court of Justice of the European Union (Grand Chamber) of 21 June 2022

33 Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (2016), Official Journal of the European Union, L 119

34 Non-profit human rights association

35 Brouwer, E., Zandstra, T., *op. cit.*

36 *Ibid.*

processing personal data within the ETIAS Central System, whereas the ETIAS National Unit of each Member State is considered the controller regarding the processing of personal data in the ETIAS Central System by that Member State.³⁷

Now, private contractors develop artificial intelligence (AI) systems using machine learning (ML) algorithms. They rely on proprietary datasets protected as trade secrets, and the algorithms themselves are similarly safeguarded. Since the eu-LISA utilises AI in three of its systems (SIS II, VIS, and Eurodac), it effectively acts as a mere observer, as it does not intervene in the development, testing, or deployment of AI within its domain.³⁸ Because ETIAS is an AI-based IT system designed for profiling individuals, eu-LISA is likely to serve primarily as an observer rather than a manager. This means that access to the private data collected from visa-exempt TCNs will also be granted to private companies involved in developing the AI used by ETIAS. Furthermore, immigration authorities, border guards, law enforcement agencies³⁹, and others can access this data, and it may even be shared with third countries if necessary. Consequently, the security and protection of private data for visa-exempt TCN passengers is only theoretical.

Moreover, a review of the CJEU's PNR Directive judgment indicates that it limits the use of AI technology in self-learning systems for improved passenger assessment based on established criteria.⁴⁰ Consequently, the European Court of Justice's views on the implementation and practical use of the ETIAS are still to be clarified.

Data retention. Article 54 of the Regulation (EU) 2018/1240 addresses data retention by mandating the storage of ETIAS travel authorisation applications in the ETIAS Central System. According to paragraph 1 of this Article, data collected from visa-exempt TCNs is retained in the Central System until the travel authorisation expires, which occurs after three years, or for five years following the last decision to refuse, annul, or revoke the authorisation, as specified by the Regulation (EU) 2018/1240. However, paragraph 2 goes further. It allows personal data to be retained for an additional three years beyond the authorisation's expiry, provided the person gives express and signed consent. The Regulation (EU) 2018/1240 justifies this extension to help facilitate the issuance of a new authorisation. Nonetheless, the GDPR requires that personal data be retained only for the minimum period necessary to fulfil its intended purpose. The data collected from visa-exempt TCNs is only relevant when the ETIAS travel authorisation is issued, and it may change at any point during the authorisation's validity. For example, a person might update their education or employment status. As a result, the data retention period established by the Regulation lacks a clear purpose. Since the data is gathered solely to issue the ETIAS travel authorisation, keeping it in the ETIAS Central System after the authorisation is granted no longer meets its original purpose.

Another issue here is related to the nationality of the traveler applying for an ETIAS travel authorisation. Namely, as we mentioned earlier, citizens of more than 55 visa-free countries will have to obtain a travel authorisation through the ETIAS system. Considering the geographical distances, citizens living in European countries that are not members of the EU or the Schengen area are, in reality, more closely tied to the countries that belong to

37 EDPS Opinion on the ETIAS DPIA (Case 2021-0640), *op. cit.*, p. 2

38 Velasco Rico, C. I., Laukyte, M. (2024). ETIAS system and new proposals to advance the use of AI in public services. *Computer Law & Security Review*, Vol. 54. p. 1.

39 EDPS Opinion on the Proposal for a European Travel Information and Authorisation System (ETIAS), 3/2017, *op. cit.*, p. 3.

40 Brouwer, E., Zandstra, T., *op. cit.*

the Schengen area due to health, personal, business, educational, and other circumstances. This means that after the expiration of one issued authorisation, after three years, they will immediately have to apply for another. This is automatically reflected in the length of retention of their data, which will, in practice, be lifelong, and the three-year period specified in the Regulation will be entirely irrelevant for these applicants. In this way, all EU standards related to the retention of personal data, as well as its protection, will be violated in practice.

4. CONCLUSION

On 16 November 2016, the European Commission announced on its official website the significant initiative of the European Security Union⁴¹, which came into effect on that day with the adoption of the Proposal for the implementation of ETIAS. The European Commission described ETIAS as an automated system designed to perform prior checks while fully respecting fundamental rights and personal data protection. However, this statement from the European Commission had a notable oversight, as it was not evidentially supported. Notably, the Proposal was adopted without a preceding human rights impact assessment. In its 2017 Opinion, the EDPS advised the European Commission on the necessity of conducting a comprehensive impact assessment of the Proposal regarding the right to privacy and the right to data protection. This development constitutes the first significant limitation on these rights of visa-exempt TCNs, indicating that the European Commission did not adequately assess the Proposal's impact on them. On 13 May 2020, the EDPS provided initial guidance to the eu-LISA for the ETIAS Data Protection Impact Assessment (DPIA). Following these and previous instructions, eu-LISA submitted the final DPIA document for EDPS review on 17 June 2021. However, since Regulation (EU) 2018/1240 was adopted on 12 September 2018 without a privacy and data protection impact assessment, it represents a second and final limitation imposed by the European Commission on the rights of visa-exempt TCNs.

The objectives of introducing ETIAS include, *inter alia*, contributing to the protection of public health. Article 4(c) of the Regulation (EU) 2018/1240 specifies that ETIAS will assist in assessing the epidemiological risk posed by applicants prior to their arrival at border crossing points. However, the data categories outlined in Article 17 of Regulation (EU) 2018/1240 indicate that information regarding the health status of applicants will not be included in the application process. This exclusion may be attributed to two primary factors: the personal and confidential nature of individual health information, and the potential violation of the applicant's right to privacy that would result from collecting such data. FRONTEX also notes in its 2024 Info Pack that medical documents are not needed to apply for ETIAS. This raises a clear question: if health data is not collected or processed, except for visa-exempt TCNs, how will ETIAS help protect the health of EU citizens?

Given the nature of the data collected from visa-exempt TCNs and the lack of clear justification for collecting most of this information, it is evident that much of the data cannot be used to identify individuals who pose a threat to the security or health of the EU. Furthermore, the collection and retention of certain categories of data may infringe upon applicants' rights to privacy and data protection. These factors suggest that the primary objective of introducing the ETIAS may extend beyond security concerns, potentially enabling increased monitoring and profiling of visa-exempt TCNs through

41 An overarching policy objective aimed at enhancing security throughout the EU.

technological means. The stated aim of protecting security and health may therefore serve as a justification for broader data collection practices. Such developments raise concerns regarding the potential erosion of human rights and the expansion of surveillance over visa-exempt TCNs.

*Roses are red,
Violets are blue,
I crave my privacy
And what about you?*



Tamara Staparski, mast. krim

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EVROPSKI SISTEM ZA INFORMACIJE O PUTOVANJIMA I ODOBRENJE PUTOVANJE (ETIAS)-MASOVNA ZAŠTITA ILI MASOVNA KONTROLA?

Apstrakt:

Značajne i česte fluktuacije ljudi podstakle su Evropsku uniju (EU) da se od 2015. godine bavi izazovima migracije implementacijom informaciono-tehnoloških sistema koji koriste veštačku inteligenciju (VI). Zemlje članice Šengenskog prostora imaju za cilj da poboljšaju bezbednost, spreče neovlašćene migracije i zaštite javno zdravlje ublažavanjem rizika povezanih sa državljanima trećih zemalja koji su izuzeti od viza. Da bi se ovi ciljevi operacionalizovali, Evropska komisija je 2016. godine predložila Evropski sistem za informacije o putovanjima i odobrenje putovanja (ETIAS), koji je usvojen 2018. godine. ETIAS je osmišljen da izda ovlašćenja za putovanja državljanima trećih zemalja koji su izuzeti od vize i da prikuplja relevantne informacije o putnicima pre njihovog dolaska na spoljne granice Šengenskog prostora. Prikupljanje, obrada, skladištenje i, u određenim slučajevima, deljenje posebnih kategorija ličnih podataka u svrhu ovlašćenja za putovanja u okviru ETIAS-a izazvali su zabrinutost u vezi sa osnovnim namerama EU. Ovaj rad ispituje karakteristike i praktične implikacije ETIAS-a, nudeći novu perspektivu na upravljanje granicama EU. Procenjuje se efikasnost sistema u poboljšanju bezbednosti kroz kontrolu migracija na spoljnim granicama Šengenskog prostora i postavlja se pitanje da li ETIAS postiže svoje navedene ciljeve ili, umesto toga, krši ljudska prava državljana trećih zemalja izuzetih od vize, posebno njihova prava na privatnost i zaštitu podataka, u cilju ostvarivanja širih ciljeva nadzora i masovne kontrole.

Ključne reči: ETIAS, pravo na privatn život, zaštita podataka, bezbednost, masovna kontrola

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CIP - Каталогизација у публикацији
Библиотеке Матице српске, Нови Сад

34:316.3"20"(082)

INTERNATIONAL Scientific Conference "Legal days - Prof. Slavko Carić" (22 ; 2025 ; Novi Sad)

XXII International Scientific Conference "Legal days - Prof. Slavko Carić", "Law and Justice", October 10th and 11th 2025 in Novi Sad : [proceedings] / [The Editor-in-Chief Milan Počuča]. - Novi Sad : The University of Business Academy, The Faculty of Law for Commerce and Judiciary, 2025 (Novi Sad : Feljton). - 614 str. : tabele, graf. prikazi ; 24 cm

Radovi na engl. jeziku. - Tiraž 100. - Str. 15: Introductory remarks / Milan Počuča. - Napomene i bibliografske reference uz tekst. - Bibliografija uz svaki rad. - Rezime na srp. jeziku uz svaki rad.

ISBN 978-86-86121-84-4

a) Правна наука -- Савремено друштво -- 21. в. -- Зборници

COBISS.SR-ID 176461065