2024/2510

25.9.2024

COMMISSION DELEGATED REGULATION (EU) 2024/2510

of 2 May 2024

supplementing Regulation (EU) 2018/1240 of the European Parliament and of the Council as regards the payment methods and collection process for the travel authorisation fee provided for by that Regulation

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ([1]), and in particular Article 18(4) thereof,

Whereas:

(1) Regulation (EU) 2018/1240 establishes the European Travel Information and Authorisation System ('ETIAS') applicable to visa-exempt third country nationals seeking to enter the territory of the Member States.

(2) Pursuant to Articles 18 and 24 of Regulation (EU) 2018/1240, in order to compensate for the costs of the operations and maintenance of ETIAS, applicants are, in principle, required to pay a fee.

(3) It is therefore necessary to determine the payment methods to be used and the process for collecting the travel authorisation fee.

(4) The collection of the travel authorisation fee should be carried out by a payment service provider selected on the basis of a procurement procedure.

(5) As a means to accommodate the geographical diversity of applicants and the varying availability of payment methods across the globe, the payment service provider should accept a wide range of payment methods for the payment of the travel authorisation fee by third-country nationals referred to in Article 2(1) of Regulation (EU) 2018/1240.

(6) To carry out the payment of the travel authorisation fee in a secure manner and to reduce, to the maximum extent possible, the risk of fraud, payment transactions and the payment methods used should adhere strictly to the provisions contained in Directive (EU) 2015/2366 of the European Parliament and of the Council ([2]) and Commission Delegated Regulation (EU) 2018/389 ([3]).

(7) In order to ensure that the payment of the travel authorisation fee can be linked to a specific application, a temporary identifier for the application file referred to in Chapter III of Regulation (EU) 2018/1240 should be communicated by the ETIAS Information System to the payment service provider upon the triggering of the payment process.

(8) To safeguard the personal data of applicants for an ETIAS travel authorisation, the payment service provider should not request any information from applicants other than the payment information necessary for the successful payment of the travel authorisation fee.

([1]) OJ L 236, 19.9.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1240/oj.

([2]) Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35, ELI: http://data.europa.eu/eli/dir/2015/2366/oj).

([3]) Commission Delegated Regulation (EU) 2018/389 of 27 November 2017 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards for strong customer authentication and common and secure open standards of communication (OJ L 69, 13.3.2018, p. 23, ELI: http://data.europa.eu/eli/reg_del/2018/389/oj).

(9) Following the successful payment of the travel authorisation fee by the applicant, the payment service provider should make available the unique reference number of the payment referred to in Article 19(3), point (e), of Regulation (EU) 2018/1240 to the ETIAS Information System together with the temporary identifier for the application file, so the ETIAS Information System can verify, in accordance with Article 19(1) of Regulation (EU) 2018/1240, whether an application should be deemed admissible.

(10) For the purpose of ensuring an accurate reconciliation of payments, the Commission should receive from the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice ('eu-LISA') and the payment service provider the total number of successful payments completed and their unique reference numbers.

(11) Given that Regulation (EU) 2018/1240 builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark notified the implementation of Regulation (EU) 2018/1240 in its national law. Denmark is therefore bound by this Regulation.

(12) This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ([4]). Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(13) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ([5]), which fall within the area referred to in Article 1, point A of Council Decision 1999/437/EC ([6]).

(14) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ([7]), which fall within the area referred to in Article 1, point A of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC ([8]).

([4]) Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20, ELI: http://data.europa.eu/eli/dec/2002/192/oj).

([5]) OJ L 176, 10.7.1999, p. 36, ELI: http://data.europa.eu/eli/agree_internation/1999/439(1)/oj.

([6]) Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31, ELI: http://data.europa.eu/eli/dec/1999/437/oj).

([7]) OJ L 53, 27.2.2008, p. 52, ELI: http://data.europa.eu/eli/agree_internation/2008/178(1)/oj.

([8]) Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1, ELI: http://data.europa.eu/eli/dec/2008/146/oj).

(15) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ([9]) which fall within the area referred to in Article 1, point A of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ([10]).

(16) This Regulation constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within the meaning of Article 3(1) of the 2003 Act of Accession.

(17) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ([11]) and delivered an opinion on 27 April 2021,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation sets out the payment methods and the process for collecting the European Travel Information and Authorisation System ('ETIAS') travel authorisation fee.

Article 2

Definitions

For the purposes of this Regulation, the definitions laid down in Article 4 of Directive (EU) 2015/2366 shall apply.

Article 3

Payment service provider

1. The service of acquiring of payment transactions necessary for the payment of the ETIAS travel authorisation fee provided for in Article 18 of Regulation (EU) 2018/1240 shall be carried out by a payment service provider.

2. The payment service provider shall be selected by means of a procurement procedure in accordance with Article 164 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ([12]).

([9]) OJ L 160, 18.6.2011, p. 3, ELI: http://data.europa.eu/eli/prot/2011/349/oj.

([10]) Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19, ELI: http://data.europa.eu/eli/dec/2011/350/oj).

([11]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

([12]) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1046/oj).

Article 4

Payment methods

1. The payment service provider shall ensure the acceptance of multiple commonly internationally-used electronic payment methods for the payment of the ETIAS travel authorisation fee by third-country nationals.

2. The payment service provider shall accept payment methods that provide for an instant settlement or for a payment execution guarantee. Directive (EU) 2015/2366 and Delegated Regulation (EU) 2018/389 shall apply to those payment methods.

3. All applicants shall be informed in a clear and unequivocal manner about which payment methods are accepted.

Article 5

Fee collection process

1. Following the submission of the application, the ETIAS Information System shall:

(a) redirect applicants who are between 18 and 70 years of age at the time of the application to proceed with payment and provide the payment service provider with a temporary identifier for the corresponding application file;

(b) allow applicants who are under 18 or above 70 years of age, or applicants who have declared themselves to be third-country nationals falling within the scope of Article 2(1), point (c), of Regulation (EU) 2018/1240, to submit their application without being redirected to proceed with payment.

2. The payment service provider shall not request any personal data from applicants other than the payment information necessary to ensure the successful payment of the ETIAS travel authorisation fee.

3. Once the payment is completed, the payment service provider shall:

(a) confirm to the ETIAS Information System whether the payment was successful;

(b) provide the ETIAS Information System with the unique reference number of the payment, referred to in Article 19(3), point (e), of Regulation (EU) 2018/1240, together with the temporary identifier for the application file.

4. Upon the creation of the application file, the ETIAS Information System shall immediately delete the temporary identifier.

5. The payment service provider shall inform applicants of the successful payment of the ETIAS travel authorisation fee and communicate to them the unique reference number of the payment.

Article 6

Reporting obligations

1. eu-LISA and the payment service provider shall each provide the following to the Commission, regularly and at least once a week:

(a) the total number of successful payments completed during that reporting period;

(b) the unique reference numbers, referred to in Article 5(3), point (b), of this Regulation, of all successful payments referred in point (a).

2. eu-LISA shall inform the Commission, regularly and at least once a week, of the total number of applications with payment and without a payment submitted during each reporting period.

Article 7

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 2 May 2024.

For the Commission
The President
Ursula VON DER LEYEN