

L.N. 241 of 2026

**IMMIGRATION ACT
(CAP. 217)**

Entry Exit System (EES) Regulations, 2026

IN EXERCISE of the powers conferred by article 8 of the Immigration Act, the Minister responsible for immigration has made the following regulations:-

Citation, scope,
applicability and
commencement.

1. (1) The title of these regulations is the Entry Exit System (EES) Regulations, 2026.

(2) The purpose of these regulations is to adopt additional national implementing measures to give effect to the requirements of the following Regulations:

(a) Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011;

(b) Regulation (EU) 2017/2225 of the European Parliament and of the Council of 30 November 2017 amending Regulation (EU) 2016/399 as regards the use of the Entry Exit System;

(c) Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA;

(d) Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and

migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816;

(e) 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 progressive start of operations of the Entry Exit System.

(3) These regulations shall apply to the following categories of applicants:

(a) third-country nationals admitted for a short stay to the territory of the Member States who are subject to border checks when crossing the borders at which the Entry Exit System is operated in accordance with the Schengen Borders Code;

(b) third-country nationals, upon entry to and exit from the territory of the Member States, who:

(i) are members of the family of a Union citizen to whom the Free Movement of European Union Nationals and their Family Members Order applies, or of a national of a third-country enjoying the right of free movement equivalent to that of Union citizens in accordance with an agreement between the Union and its Member States and a third-country respectively; and

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(ii) do not hold a residence card in accordance with the Free Movement of European Union Nationals and their Family Members Order or a residence permit pursuant to Council Regulation (EC) No 1030/2002;

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(c) third-country nationals whose entry for a short stay to the territory of the Member States is refused in accordance with Article 14 of the Schengen Borders Code.

(4) These regulations shall not apply to:

(a) third-country nationals who are members of the family of a Union citizen to whom the Free Movement of European Union Nationals and their Family Members Order applies and who hold a residence card pursuant to the said order, whether they accompany or join the said Union citizen or otherwise;

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(b) third-country nationals who are members of the family of a national of a third country, whether they accompany

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or join the said national of a third country or otherwise, where:

(i) the third-country national enjoys the right of free movement equivalent to that of Union citizens in accordance with an agreement between the Union and its Member States and a third-country, respectively; and

S.L. 460.17. (ii) the third-country national holds a residence card in accordance with the Free Movement of European Union Nationals and their Family Members Order or a residence permit pursuant to Council Regulation (EC) No 1030/2002;

(c) residence permit holders referred to in Article 2(16) of the Schengen Borders Code other than those covered by paragraphs (a) and (b);

S.L. 217.21. (d) third-country nationals exercising their right to mobility in accordance with the Conditions of Entry and Residence of Third-Country Nationals in the Framework of an Intra-Corporate Transfer Regulations or Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Research, Studies, Training and Voluntary Service in the Mobility Project for Young People: Voluntary Projects Regulations;

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(e) holders of long-stay visas;

(f) nationals of Andorra, Monaco and San Marino and holders of a passport issued by the Vatican City State;

(g) persons or categories of persons exempt from border checks or benefiting from specific rules in relation to border checks as referred to in Article 6a(3)(g) of the Schengen Borders Code; and

(h) persons or categories of persons referred to in Article 6a(3)(h) to (k) of the Schengen Borders Code.

(5) The provisions in relation to the duration of the authorised stay and the generation of alerts to Member States when the authorised stay has expired do not apply to third-country nationals who:

S.L. 460.17. (a) are members of the family of a Union citizen to whom the Free Movement of European Union Nationals and their Family Members Order applies or of a national of a third-country enjoying the right of free movement equivalent to that of Union citizens in accordance with an agreement between the

Union and its Member States and a third-country respectively;
and

(b) do not hold a residence card in accordance with the Free Movement of European Union Nationals and their Family Members Order or a residence permit pursuant to Council Regulation (EC) No 1030/2002. S.L. 460.17.

(6) These regulations shall come into force on such date or dates as the Minister responsible for immigration, may by notice in the Gazette establish and different dates may be so established for different provisions and, or purposes of these regulations.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.

"common identity repository" means the repository established by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA, and by Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816;

"competent authorities" means the authorities mentioned in the Schedule;

"Council Regulation (EC) No 1030/2002" means Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals;

"EES Regulation" or "Regulation (EU) 2017/2226" means Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011;

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"Entry Exit System" or "EES" means the system established by the EES Regulation;

"General Data Protection Regulation" means 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);

"Interoperability Regulation" or "Regulation (EU) 2019/818" means Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816;

"Principal Immigration Officer" shall have the same meaning as assigned to it in the Act;

"Regulation (EU) 2017/2225" means Regulation (EU) 2017/2225 of the European Parliament and of the Council of 30 November 2017 amending Regulation (EU) 2016/399 as regards the use of the Entry Exit System;

"Regulation (EU) 2025/1534" means 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 progressive start of operations of the Entry Exit System;

"Schengen Borders Code" means 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.

(2) Unless the context otherwise requires, the terms used in these regulations and which are not defined herein shall have the same meaning as assigned to them in Article 3 of the EES Regulation.

Functions of the
Entry Exit
System.

3. (1) The functions of the Entry Exit System are as follows:

(a) to record and store the date, time and place of entry and exit of third-country nationals crossing the borders of the Member States at which the EES is operated;

(b) to calculate the duration of the authorised stay of such third-country nationals;

(c) to generate alerts to Member States when the authorised stay has expired; and

(d) to record and store the date, time and place of refusal of entry of third-country nationals whose entry for a short stay has been refused, the authority of the Member State that refused entry and the reasons for the refusal.

(2) The Entry Exit System shall be used for the purposes of preventing, detecting and investigating terrorist offences and other serious criminal offences.

4. (1) Persons whose border crossing is subject to registration in the EES may pre-enrol their data in the Entry Exit System by means of virtual, mobile or fixed self-service systems. The data submitted by such persons shall be subject to verification at the border crossing points.

Pre-enrolment of data.

(2) Pre-enrolment in the Entry Exit System shall take place in accordance with Articles 8a and 8b of Regulation (EU) 2017/2225.

5. (1) Access to the Entry Exit System shall be granted only to the duly authorised staff of the competent authorities and for the purposes specified in the Schedule.

Access rights.

(2) Competent authorities that have direct access to the Entry Exit System files shall have the right to amend data in the Entry Exit System by rectifying, completing or erasing it for the purposes of Article 35 of the EES Regulation.

6. (1) In accordance with Article 20 of the Interoperability Regulation, police officers shall query and consult the common identity repository where EES data is stored, in the presence of the person concerned, by using the biometric data of a person taken on the spot for the purpose of identifying the person where:

Access to the common identity repository for identification purposes.

(a) the person cannot be identified due to the lack of a travel document or other credible documentation proving that person's identity;

(b) there are doubts about the identity data provided by the person;

(c) there are doubts as to the authenticity of the travel document or other credible documentation provided by the

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person;

(d) there are doubts as to the identity of the holder of a travel document or of other credible documentation; or

(e) the person is unable, or refuses to cooperate with police officers:

Provided that such query shall not be made against minors under the age of twelve (12) years, unless it is in the best interest of the child.

(2) Where the biometric data of the person cannot be used, or where the query with biometric data fails, the query shall be carried out with identity data of the person in combination with travel document data, or with the identity data provided by the said person.

(3) In the event of a natural disaster, accident or terrorist attack, police officers shall query the common identity repository using the biometric data of persons solely for the purpose of identifying unknown persons who are unable to identify themselves or to investigate unidentified human remains.

(4) When the queries referred to in sub-regulation (3) are carried out, logs shall be kept recording the reasons for the query, the date and time of the query, the type of data used to initiate the query and the results obtained.

Self-monitoring.

7. The respective data protection officers of the competent authorities having access to Entry Exit System shall, at least on an annual basis, with the assistance of technical staff, verify the data that has been registered or documented.

Central access point and data processing.

8. (1) For the purposes of Article 29 of the EES Regulation the Principal Immigration Officer shall be designated as the central access point for the Entry Exit System.

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(2) The competent authorities shall act as joint controllers of the Entry Exit System in terms of the relevant provisions of the General Data Protection Regulation and of the Data Protection Act in relation to the processing of personal data and the further processing of such data for the purposes and within the limits and conditions provided for in these regulations.

Authority to receive and handle requests.

9. (1) For the purposes of Article 29 of the EES Regulation, and for the purposes of the prevention, detection, investigation or prosecution of terrorist offences or other serious criminal offences:

(a) the SIRENE Bureau within the Malta Police Force shall be designated as the central access point to the Entry Exit System for requests made by the Malta Police Force in relation to the prevention, detection, investigation or prosecution of terrorist offences or other serious criminal offences; and

(b) the Data Section within the Malta Security Service shall be designated as the central access point to the Entry Exit System for requests made by the Malta Security Service in relation to the prevention, detection, investigation or prosecution of terrorist offences.

(2) The designation of the Malta Police Force as the primary contact point shall not preclude a data subject from exercising their rights directly against any other competent authority or responsible entity in accordance with the applicable law.

10. (1) Unless otherwise expressly provided for in any other applicable law, personal data entered into the Entry Exit System in Malta shall also be recorded in relevant national files and systems in terms of Article 40 of the EES Regulation.

Records in national files and systems.

(2) Personal data recorded in national files and systems in accordance with sub-regulation (1) shall be retained for the periods established under Article 34 of the EES Regulation.

11. In the case of a personal data breach involving any data in the Entry Exit system or any data obtained from the said system, the competent authorities shall notify the Malta Police Force in writing, including in an electronic form, without undue delay and where possible, within forty eight (48) hours of becoming aware of such occurrence.

Breach of personal data.

SCHEDULE
(regulation 6)

Competent Authority	Function	Purpose
Principal Immigration Officer	To enter, amend, erase, verify, consult and carry out advanced data erasure in the EES in accordance with the EES Regulation.	For the performance of border control and immigration related tasks in accordance with the EES Regulation.
Malta Police Force	To designate, through the Commissioner of Police, duly authorised staff to enter, amend, verify, consult data in the EES in accordance with the EES Regulation.	For the prevention, detection and investigation of criminal offences and other law enforcement purposes in accordance with the EES Regulation.
Identità	To designate, through the Chief Executive Officer, duly authorised staff to enter, amend, verify, consult and carry out advance data erasure in the EES in accordance with the EES Regulation.	For the administration of immigration matters, including the processing of applications and decisions related to entry, stay, residence and visa, in accordance with the EES Regulation.
Community Malta Agency	To designate, through the Chief Executive Officer, duly authorised staff to verify, consult and carry out advance data erasure in the EES in accordance with the EES Regulation.	For the processing and administration of applications falling within its competence relating to residence and citizenship services, in accordance with the EES Regulation.
Ministry responsible for Foreign Affairs	To designate duly authorised staff of Foreign Diplomatic Missions accredited to Malta to retrieve and consult the data from the EES in accordance with the EES Regulation.	For the processing of visa applications, the issuance and refusal of visas, and related consular functions carried out by Missions accredited to Malta, in accordance with the EES Regulation.