Evaluation and future development of the FRONTEX Agency and a European Border Surveillance System EUROSUR

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PURPOSE: to examine the creation of a European Border Surveillance System (**EUROSUR**).

BACKGROUND: in its Communication on Reinforcing the Management of the EU's Southern Maritime Borders (COM(2006)0733) , the Commission proposed to establish a permanent Coastal Patrol Network for the southern maritime external borders and to create a **European Surveillance System for Borders.** The European Council of 14/15 December 2006 stated that "priority will be given to examining the creation of a European Surveillance System for the southern maritime borders".

Further to the works done for the setting up of the European Patrols Network (EPN), the objective of this Communication is to examine the parameters within which a European Border Surveillance System (EUROSUR), focusing initially on the southern and eastern external borders of the EU, could be developed and to suggest to Member States a roadmap for the setting up of such a system. The aspects of this Communication dealing with surveillance of maritime external borders form part of the overall framework set by the Integrated Maritime Policy for the European Union.

CONTENT: at present, national border surveillance systems only cover a few selected parts of the EU external borders. In the eight Member States with external borders in the Mediterranean Sea and the southern part of the Atlantic Ocean, about 50 authorities from 30 institutions are involved in border surveillance, sometimes with parallel competencies and systems.

Due to technical and financial limitations, the areas covered by surveillance are currently restricted to certain flat or coastal areas and those areas of the land border or open sea in which operations are carried out. However, the migration pressure presents considerable challenges not only for the Member

States on the northern, but also for the third countries located on the southern shores of the Mediterranean Sea in terms of detection, apprehension, reception and further processing and readmission of migrants.

Measures should be taken to enlarge the areas covered by surveillance and to reduce the number of illegal immigrants who manage to enter the EU undetected. The authorities responsible for border control in the Member States need to be provided with more timely and reliable information if they are to detect, identify and intercept those attempting to enter the EU illegally, thereby **reducing the number of illegal immigrants** who manage to cross the external borders of the EU undetected.

In order to meet the objectives, it is necessary to envisage a common technical framework, **EUROSUR**, to support Member States' authorities to act efficiently at local level, command at national level, coordinate at European level and cooperate with third countries in order to detect, identify, track and intercept persons attempting to enter the EU illegally outside border crossing points.

Implementation phases of EUROSUR: the implementation of EUROSUR should be divided into three phases, of which the first two phases would be carried out in parallel (whereas the third phase would be

built upon the two previous ones):

1. **Phase 1**: Upgrading and extending national border surveillance systems and interlinking national infrastructures in a communication network;
2. **Phase 2**: Targeting research and development to improve the performance of surveillance tools and sensors (e.g. satellites, unmanned aerial vehicles/UAVs, etc.), and developing a common application of surveillance tools. A common pre-frontier intelligence picture could be developed to combine intelligence information with that obtained from surveillance tools;
3. **Phase 3**: All relevant data from national surveillance, new surveillance tools, European and international reporting systems and intelligence sources should be gathered, analysed and disseminated in a structured manner, to create common information.

Phases 1 and 2 should cover the maritime and land external borders, having regard to changing migration patterns. Phase 3 should focus on the maritime domain, as it concerns putting together the multitude of information sources that are monitoring activities on the open seas. This communication outlines in detail the three phases and includes the follow-up actions the Commission envisages to take, together with recommendations for action by Member States and FRONTEX. The recommendations can be summarised as follows:

Recommendations Phase 1: interlinking and streamlining existing surveillance systems and mechanisms at Member States level: Member States located at the southern and eastern external borders of the EU are invited to set up:

- one single national co-ordination centre, which co-ordinates 24/7 the activities of all national authorities carrying out external border control tasks (detection, identification, tracking and interception) and which is able to exchange information with the centres in other Member States and with FRONTEX;
- one single national border surveillance system, which integrates surveillance activities at all or – based on risk analysis – selected parts of the external border and enables the dissemination of information 24/7 between all authorities involved in external border control;
- Member States are encouraged to make full use of the financial support available under the European Borders Fund for the above two actions.

The Commission will, in spring 2009, report to the Council on the progress made on the guidelines for the national coordination centres, and will assess the need for a legislative initiative in this regard; present an estimate on the approximate financial costs for the continued development of national coordination centres and national border surveillance systems; present a proposal for the system architecture for the communication network and an estimate of the approximate financial costs for setting it up; make an assessment of the border surveillance infrastructure in selected neighbouring third countries based on the evaluation carried by FRONTEX, while using as appropriate this assessment in the programming of relevant financial programmes in the external relations domain, taking into account the means available in the context of the current financial perspectives.

Recommendations Phase 2: development and implementation of common tools and applications for border surveillance at EU level: the 7th Framework Programme for research and development (security and space themes) should be used to improve the performance and use of surveillance tools. In spring 2009, the Commission should present to the Council a concept allowing Member States to receive information derived from satellites and other common surveillance tools with regard to their external borders and the pre-frontier area on a more frequent and reliable basis in the context of GMES (Global Monitoring for Environment and Security). FRONTEX should present a gap analysis of the current and potential future use of satellites for border surveillance purposes by Member States in order to further define the objectives to be pursued for the common application of such tools at European level. The Commission will launch a study under the External Borders Fund analysing the concept and approximate financial costs of a "common pre-frontier intelligence picture" and report back to the Council in spring 2009.

Recommendations Phase 3: creation of a common monitoring and information sharing environment for the EU maritime domain: by 2009, the Commission should present to the Council an outline for the system architecture for an integrated network of reporting and surveillance systems for the **Mediterranean** Sea, the southern Atlantic Ocean (**Canary Islands**) and the **Black Sea**, which would allow border control authorities to make full use of the integrated maritime reporting and surveillance systems. The Commission will also present a Communication setting out a work plan for further steps towards the integration of all European maritime reporting and surveillance systems covering all maritime activities in the Mediterranean Sea, the southern Atlantic Ocean (Canary Islands) and the Black Sea regions with a view to be extended later to the whole EU maritime domain.

It should be noted that the different activities referred to in the previous sections may involve the processing of personal data. Thus the principles of personal data protection law applicable in the European Union are to be observed.

Conclusions: the Commission intends to launch the work on elaborating guidelines, together with the Member States, for the tasks of and the cooperation between the national coordination centres and FRONTEX immediately after having published this Communication. In spring 2009, the Commission will report back to the Council on progress made and present concrete proposals for the set up and launch of EUROSUR (Phases 1-3) as outlined in this Communication, including covering the complete system architecture for connecting national border surveillance systems and the common application and use of all relevant tools.