Next steps in border management in the European Union and similar experiences in third countries

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The Committee on Civil Liberties, Justice and Home Affairs adopted the own initiative report by Jeanine **HENNIS-PLASSCHAERT** (ALDE, NL) on the next steps in border management in the European Union and similar experiences in third countries, recalling that the EU external border is crossed every year by 160 million EU citizens and 140 million third country nationals (TCNs), both those who require a visa and those who do not. In this context, the Commission intends to be ready in 2009-2010 to present legislative proposals for the introduction of an entry/exit system, a Registered Traveller Programme (RTP) and an Electronic System of Travel Authorisation (ESTA), in order to facilitate border management (similar systems exist in Australia and are being implemented by the USA). Therefore, MEPs make a number of recommendations on equivalent systems to put in place in Europe and make the following comments:

- **Entry/exit system**: although the proposed system and alert information might help to deter TCNs from overstaying, MEPs **do not believe that it will put an end to the 'overstay' phenomenon as such**. They recall that the correct functioning of the entry/exit system will depend both materially and operationally on the success of the VIS and SIS II, although these instruments are not yet fully operational. Moreover, MEPs are still convinced of the need to implement exist capability (in particular with regard to sea and land exit) while stressing their concerns about the cost-effectiveness of such a system;
- **Registered Traveller Programme (RTP)**: while MEPs support the concept of an RTP for TCNs, they draw attention to the need to harmonise the systems in place. In this respect, they recall the blueprint proposed by the Netherlands, Germany, the UK and FRONTEX, a system known as the 'International Expedited Traveller Programme' proposed as a possible blueprint for other Member States;
- **Electronic System of Travel Authorisation (ESTA)**: overall, MEPs question whether the proposed system is absolutely necessary as they are convinced that close cooperation between intelligence services is the right way forward, rather than a massive collection of data in general;
- **Data protection and biometrics concerns**: MEPs call on the Commission to consult the European Data Protection Supervisor (EDPS) in respect of any action to be taken in this area, given the vast amounts of personal data that will be processed. While MEPs are aware that biometrics are theoretically effective personal identifiers, they stress that this technique is not infallible. **Fall-back procedures** should therefore be provided for at all times. Moreover, MEPs insist on a standard protocol for the use and exchange of biometric information in order to avoid divergences between different systems used by Member States. They also consider a "privacy by design" approach to be an essential feature of any development which risks jeopardising the personal information of individuals.

In conclusion, MEPs consider the objective of truly EU integrated border management to be legitimate but note that the Commission’s proposals run the risk of costing too much. They therefore call on the Commission to think in terms of the need for, and the cost of, the border logistics and they regret the notion that the EU's border management policy should be founded on the idea that all travellers are potentially suspect. MEPs also criticise the lack of a comprehensive master plan setting out the overall objectives and architecture of the EU's border management strategy. According to MEPs, the Commission must **analyse first of all the effectiveness of the existing border management systems of the Member States, in order to bring about the optimal synergies between them**. They believe, in particular, that no

new instruments or systems should be launched **until the existing tools are fully operational, safe and reliable**. Moreover, they express doubts concerning the need for, and the proportionality of, the proposed measures (particularly given their expensive nature and the potential risks they pose for data protection).