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

2008/2181(INI) - 10/03/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 600 votes to 46, with 30 abstentions, a resolution on the next steps in border management in the European Union and similar experiences in third countries. The resolution is in response to the Commission Communication of 13 February 2008 entitled 'Preparing the next steps in border management in the European Union' and, on the whole, supports the Commission's proposals. 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).

The Parliament recalls 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. It requests, however, more information on the data collected by an external contractor estimating that 'there were up to 8 million illegal immigrants within the EU25 in 2006'.

Given the scope and possible cost of the Commission's proposals, the Parliament makes a number of recommendations that can be summarised as follows:

- **Entry/exit system**: although the proposed system and alert information might help to deter TCNs from overstaying, the Parliament **does not believe that it will put an end to the 'overstay' phenomenon as such**. It recalls 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, the Parliament is still convinced of the need to implement exit rather than entry capability (in particular with regard to sea and land exit) while stressing its concerns about the cost-effectiveness of such a system;
- **Registered Traveller Programme (RTP)**: although the Parliament supports the concept of an RTP for TCNs, it draws attention to the need to harmonise the systems in place to avoid the risk of ending up with a patchwork of 27 systems based on different criteria. In this respect, the Parliament recalls 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, the Parliament questions whether the proposed system is absolutely necessary as it is 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**: the Parliament calls 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 the Parliament is aware that biometrics are theoretically effective personal identifiers, it stresses that this technique is not infallible. Fall-back procedures should therefore be provided for at all times. Moreover, the Parliament insists on a standard protocol for the use and exchange of biometric information in order to avoid divergences between different systems used by Member States. It also considers a "privacy by design" approach to be an essential feature of any development which risks jeopardising the personal information of individuals.

The Parliament considers the objective of truly EU integrated border management to be legitimate but notes that **the Commission's proposals run the risk of costing too much**. It therefore calls on the Commission to think in terms of the need for, and the cost of, the border logistics and regrets the notion that the EU's border management policy should be founded on the idea that all travellers are potentially suspect. The Parliament also criticises the lack of a comprehensive master plan setting out the overall objectives and architecture of the EU's border management strategy.

According to the Parliament, **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**. It believes, in particular, that no new instruments or systems should be launched **until the existing tools are fully operational, safe and reliable**. Moreover, the Parliament expresses 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).