Basic information

2008/2157(INI) INI - Own-initiative procedure	Procedure completed
Evaluation and future development of the FRONTEX Agency and a European Border Surveillance System EUROSUR **Subject** 7.10.04 External borders crossing and controls, visas 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	MORENO SÁNCHEZ Javier (PSE)	08/04/2008

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
DEVE Development	ZIMMER Gabriele (GUE/NGL)	27/05/2008
BUDG Budgets	The committee decided not to give an opinion.	20/09/2004
REGI Regional Development	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Justice and Consumers	BARROT Jacques

Key events

Date	Event	Reference	Summary
13/02/2008	Non-legislative basic document published	COM(2008)0067	Summary
19/06/2008	Committee referral announced in Parliament		
05/11/2008	Vote in committee		Summary

11/11/2008	Committee report tabled for plenary	A6-0437/2008	
17/12/2008	Debate in Parliament		
18/12/2008	Decision by Parliament	T6-0633/2008	Summary
18/12/2008	Results of vote in Parliament		
18/12/2008	End of procedure in Parliament		

Technical information

Procedure reference	2008/2157(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Strategic initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/61555

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	DEVE	PE412.026	07/10/2008	
Committee draft report		PE406.003	15/10/2008	
Amendments tabled in committee		PE414.014	21/10/2008	
Committee report tabled for plenary, single reading		A6-0437/2008	11/11/2008	
Text adopted by Parliament, single reading		T6-0633/2008	18/12/2008	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2008)0067	13/02/2008	Summary
Document attached to the procedure	COM(2008)0068	13/02/2008	Summary
Non-legislative basic document	COM(2008)0069	13/02/2008	Summary
Document attached to the procedure	SEC(2008)0148	13/02/2008	
Document attached to the procedure	SEC(2008)0149	13/02/2008	
	SEC(2008)0150		

Document attached to the procedure		13/02/2008	
Document attached to the procedure	SEC(2008)0151	13/02/2008	
Document attached to the procedure	SEC(2008)0152	13/02/2008	
Commission response to text adopted in plenary	SP(2009)988	22/04/2009	
Follow-up document	SEC(2009)1265	24/09/2009	Summary

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

2008/2157(INI) - 13/02/2008 - Non-legislative basic document

PURPOSE: to present a report on the evaluation and future development of FRONTEX.

BACKGROUND: in 2004, the European Council requested the Commission to submit a political evaluation of the FRONTEX Agency by the end of 2007. The evaluation should contain a review of the Agency's tasks and an assessment of whether the Agency should concern itself with other aspects of border management, including enhanced cooperation with customs services and other competent authorities for goods-related security matters. The evaluation should also cover the functioning of national expert's teams and the feasibility of a European border guards system. In presenting this report the Commission is fulfilling the Council's request.

CONTENT: FRONTEX was established by Council Regulation (EC) No 2007/2004 and became operational in October 2005. This report assesses the results so far, taking into account the period during which the Agency has been operational and makes recommendations for measures that can be taken in the short term, within the limits of its current mandate, and outline a long-term vision for the future development of FRONTEX.

Achievements 2005-2007: in 2006 and 2007, the Agency undertook a number of joint operations including:

- 9 sea operations;
- 12 land border operations;
- 7 air border operations.

A total of 10 pilot projects have been implemented to complement the joint operations. Participation by Member States in joint operations can range from the deployment of one expert to the deployment of equipment such as vessels and aircraft. On average, 7 Member States participated in sea borders, 9 in land border, and 11 in air border operations. Due to the need for deployment of equipment in sea border operations the costs involved are substantially higher. The quantifiable results so far are considered impressive by the Commission: more than 53 000 persons, for 2006 and 2007 together, have been apprehended or denied entry at the border during these operations. More than 2 900 false or falsified travel documents have been detected and 58 facilitators of illegal migration arrested.

Following a request from the European Council in December 2006, the European Patrols Network (EPN) started in May 2007. FRONTEX and the Member States concerned (Portugal, Spain, France, Italy, Slovenia, Malta, Greece and Cyprus) are working on a regional basis with bilateral cooperation between neighbouring states. Patrols have been limited to areas close to the coasts of the Member States involved. The Agency has set up a Central Record of Available Technical Equipment (CRATE). The CRATE database contains for the moment over a hundred vessels, around 20 aircraft and 25 helicopters and several hundreds of border control equipment such as mobile radar units, vehicles, thermal cameras and mobile detectors. While primarily intended to be used on a bilateral basis between Member States, it provides an inventory of equipment that can be used in joint operations also.

Recommendations: the Commission considers the following factors essential as concerns the short-term developments of operational coordination:

- exploit the potential of CRATE;
- creation of specialised branches of the Agency in the Member States, with a priority given to a branch for the southern maritime borders;
- merge the joint operations with the European Patrols Network, as both measures are of a more structural character and overlaps between them must be avoided.

Assistance to Member States on training of their national border guards, including the establishment of common training standards: a total of 97 trainings, meetings and workshops including training of border guards and "training of trainers" have been organised with a total of 1 341 participants. The common core curriculum, aiming at standardising the training of border guards all over Europe, is currently subject to review. While the impact of training activities can only be assessed in the long-term, it is clear that the approach chosen with FRONTEX acting as the operational coordinator for training based on partnerships with national academies has proven successful and therefore merits to be expanded.

- **Recommendations:** the Commission considers that specialised training courses, including the exchange of personnel, should be organised by FRONTEX on relevant provisions of European and international rules on asylum, the law of the sea and fundamental rights, in order to contribute to the full respect of these norms and to a consistent approach to situations involving search and rescue coordination.

Carrying out risk analysis: FRONTEX presented its second annual risk assessment in February 2007. A total of 11 tailored assessments had been presented by the end of 2007, and a further 9 are under preparation for completion in early 2008. FRONTEX has been contributing to the Organised Crime Threat Assessment Report (OCTA) and has presented together with Europol a report on the high risk routes regarding illegal immigration in the Western Balkans. Beyond these assessments, which i.a. support Member States in reacting to new threats and in focussing resources to specific sections of the border, risk analysis plays a pivotal role in most activities of the Agency, including the planning of individual joint operations and training activities. The report also sets out a number of actions to enable FRONTEX to be connected with other information networks (e.g, the ICONet for the purpose of exchanging information between the migration management services on irregular immigration, illegal entry and immigration and return of illegal residents) and to participate in the meetings of the CIREFI, the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration).

- **Recommendations**: in this context, it is recommended to:

- give priority to joint risk analysis with Europol, international organisations and relevant third;

- entrust FRONTEX with the management of the ICONet, which is also connected to the ICONet; and taking over the activities of CIREFI.

Follow up on the development of research: so far, FRONTEX has implemented 6 projects and 7 workshops/seminars concerning research and development. New technologies play a vital role including, for example an entry-exit system and measures to automate border control and a European Border Surveillance System. BIOPASS, a project implemented by FRONTEX on the use of biometrics at airports and national registered traveller's schemes provides important input and FRONTEX will play an important role in taking this forward.

- **Recommendation**: the Commission is of the opinion that a key priority for the future must be to ensure that the specific interests of border control authorities are duly reflected in research activities. FRONTEX has a unique role in ensuring that the practical needs of national border guard authorities can feed into the definition of future research priorities.

Assisting Member States in an urgent situation: the RABITs Regulation, which entered into force on 20 August 2007, has changed in a substantial manner the provisions of the founding Regulation of FRONTEX regarding the support to Member States in circumstances requiring increased technical and operational assistance at the external borders. It provides a "rapid reaction capacity" for a reinforcement of human resources to a Member State in need. 500-600 border guards make up the "RABIT pool". An exercise was conducted during the autumn of 2007. So far no Member State has made a request for the deployment of a RABIT team.

- **Recommendations**: the deployment of a RABIT team can be combined with technical assistance. The Commission recommends that this provision be made more operational by FRONTEX acquiring its own equipment for border control and surveillance.

Border measures and EUROSUR: improved cooperation is key to the development of an integrated border management model, whereby persons and goods are controlled using similar working methods and risk management approaches. A further analysis of a "**single window**" concept, where the activities of border and customs authorities will be fully integrated with each other, will need to be pursued taking account of the on-going evaluation of customs. In parallel to this the Commission will present a Communication outlining a roadmap for the setting up of a "European Border Surveillance System (EUROSUR, refer to the document annexed to the procedure). FRONTEX could take on the role as "hub" for an improved system of exchange of real-time, operational information between Member States. Furthermore, the role of FRONTEX is crucial for the successful preparation of such a system, including creating a network integrating all maritime surveillance systems.

Conclusions: the Commission invites the Council to prioritise a discussion on the recommendations of a short-term nature put forward in this report, having regard to the need to maximise as soon as possible the contribution of FRONTEX for the management of in particular the southern maritime borders of the Union. Taking into account the outcome of these discussions and the results of the independent evaluation to be carried out, the Commission will consider presenting legislative proposals to amend the FRONTEX Regulation.

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

2008/2157(INI) - 13/02/2008

PURPOSE: to propose the next steps in border management in the European Union.

BACKGROUND: the external borders of the EU are crossed every year by more than 300 million travellers, EU citizens and third country nationals combined. The dismantling of the EU's internal border controls is one of the greatest achievements of European integration. An area without internal borders, which has expanded from 7 countries in 1995 to 24 countries at the end of 2007 – a unique, historic accomplishment –, cannot function, however, without shared responsibility and solidarity in managing its external borders. Other actions have been completed by the Union as regards border management (legislative framework, Schengen Borders Code, simplified rules for local border traffic, the establishment of the FRONTEX Agency). While Member States remain responsible for controlling their own border, the Union's common policy in support of Member States' efforts should be continuously developed and strengthened in response to new threats, shifts in migratory pressure and any shortcomings identified, using new technology extensively and proportionately. The social and economic dimensions should be given equal weight. Crossing the external border should be simple and quick for third-country nationals fulfilling the entry conditions set by Community and national law. Border management should support economic growth in border regions of neighbouring countries.

This communication intends to define the next steps of this ambitious framework.

CONTENT: against this background this Communication puts forward suggestions for new tools that could form an integrated part of the European border management strategy of the future. It proposes ways to look ahead and reflect on the next generation of border management tools, with the objective of preserving the integrity of the Schengen area while simultaneously facilitating the procedures and border crossings for those seeking to enter for legitimate reasons. The possible tools to reflect on, which would apply with regard to third country nationals travelling to a Member State taking part in the Schengen cooperation or to a country associated to this cooperation, could include:

- facilitation of border crossing for bona fide travellers;
- possible introduction of a registration of entry/exit;
- examining the introduction of an Electronic System of Travel Authorisation (ESTA).

1) Facilitating border crossings for bona fide travellers: the Commission believes that:

a) low-risk travellers from third countries, including those that are subject to the visa requirement and those that are not, could be offered a pre-screening process, on a voluntary basis, with a view to being granted **Registered Traveller status**;

b) when arriving at the borders of the EU Registered Travellers could benefit from a **simplified and automated border check**.

In concrete terms, awarding the status of "Registered Traveller" and providing for automated checks for those persons would mean waiving the verification of certain entry conditions at the border (purpose of stay, means of subsistence, absence of threat to public order). Persons could be granted "Registered Traveller" status after appropriate screening on the basis of common vetting criteria. These could as a minimum include a reliable travel history (the person should not have exceeded the authorised stay at previous visits to the EU), proof of sufficient means of subsistence, and holding a biometric passport. The Commission presents the outline of the technical conditions aiming to facilitate the implementation of this solution.

Besides the criteria that have been waived for the purpose of allowing a simplified check of registered travellers at the borders, at the border itself, the introduction of **automated gates** could enable the automated verification of travellers' identity without the intervention of border guards. A machine would read the biometric data contained in the travel documents or stored in a system or database and compare them against the biometrics of the traveller. This system could significantly increase cost-effectiveness as more passengers would be processed at the borders by a smaller number of border guards. A machine would read the biometric data contained in the travel documents or stored in a system or database and compare them against the biometrics of the traveller. One border guard should be able to oversee up to ten automated border gates in operation. This category is subject to a "minimum check", at both entry and exit, consisting of the examination of the travel document so as to verify the identity of the individual. The introduction of biometrics in passports could be completed by 2016 for one biometric identifier and by 2019 for two identifiers, at the latest (assuming a maximum period of validity of passports of 10 years). All EU citizens would at that time be able to benefit from automated border crossings should they be taken up by Member States in a widespread fashion. Automated border crossings for EU citizens based on the biometric passports would use the same automated gates as for third-country nationals that are registered travellers.

2) Creation of a system to register the entry/exist of third country nationals: the Commission believes that:

- the automatic registration of the time and place of entry and exit of third country nationals, both those that require a visa and those that do not, to identify overstayers, could be introduced at the borders;
- an alert available to national authorities could be issued once the validity of an individual's stay in the EU has expired, and no exit data had been captured.

An entry/exit system could apply to third country nationals admitted for a short stay (up to 3 months), covering both those that are subject to the visa requirement and those that are not. The system could include the recording of information on the time and place of entry, the length of stay authorised, and the transmission of automated alerts directly to the competent authorities, should a person be identified as 'overstayer', both at the time this occurs and upon departure from the EU.

The alert information would:

- enable national authorities to identify overstayers and take the appropriate measures;
- deter third-country nationals from overstaying;
- provide information for operational purposes on patterns of overstaying (e.g. travel route, fraudulent sponsors, country of origin and reasons for travelling) as well as data on migration flows and overstayers for visa policy purposes.

This new system could use the same technical platform as SIS II and VIS thereby exploiting synergies with the Biometric Matching System (BMS) currently under development and which could form the common basis for the entry/exit system, the VIS and the SIS II.

3) Electronic system of travel authorisation (ESTA): the Commission will examine the possibility of introducing an **electronic system of travel authorisation**. Such a system would apply to third-country nationals not subject to the visa requirement who would be requested to make an electronic application supplying, in advance of travelling, data identifying the traveller and specifying the passport and travel details. The data could be used for verifying that a person fulfils the entry conditions before travelling to the EU, while using a lighter and simpler procedure compared to a visa. The Commission intends to launch a study in 2008 to analyse the feasibility, the practical implications and the impacts of such a system.

The study to be launched by the Commission on the possibility of an electronic travel authorisation will also consider the relevant **data protection issues** arising from such a system.

Conclusions: having regard to the progress made in agreeing upon and launching the Visa Information System, the EU should consider building on this achievement by reflecting on the necessary parameters for putting in place an **entry/exit system** for all third-country nationals admitted for a short stay.

Should this reflection conclude on the opportunity to build such a system, it could be operational by 2015 and future proposals would be needed in order to:

- amend the Schengen Borders Code to ensure that registration of dates of entry and exit is carried out systematically at all crossing points of the external border, and that the enrolment of biometrics at the border for third country nationals not requiring a visa becomes a compulsory entry condition. Also, if a "registered traveller" is created, the Borders Code would need to allow for a simplified check of travellers awarded such a status at the borders;
- decide the setting up of the new entry/exit system to register the entry and exit information and store biographic and biometric data of third country nationals. The system could build on the same technical platform as the VIS/SIS II.

Member States could also reflect on the need to use **automated border control systems for EU citizens**, based on the e-passport or national schemes. A discussion on the development of technical standards to achieve interoperability of national schemes not based on the e-passport should take place in the appropriate fora.

The Commission will report back to the European Parliament and the Council on the outcome of the study on an electronic travel authorisation system during 2009. The Commission therefore invites the European Parliament and the Council to engage in a reflection on the future overall architecture of the EU's integrated border management and the use of systems, from the angle of enhancing security and facilitating travel. On the basis of this reflection, the Commission will assess the further development of these systems, including the presentation of the necessary legislative proposals.

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

2008/2157(INI) - 18/12/2008 - Text adopted by Parliament, single reading

The European Parliament adopted, by 429 votes to 76 with 58 abstentions, a resolution on the evaluation and future development of the FRONTEX Agency and of the European Border Surveillance System (EUROSUR).

The own-initiative report had been tabled for consideration in plenary by Javier **MORENO SÁNCHEZ** (PES, ES) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

Parliament recalls its point of view which is that illegal immigration is a common European challenge and therefore requires a common European policy. To this end, it calls on Member States to consider a **global approach** to the challenge of migration, seeking to achieve progress not only in stepping up **checks at the Union's borders**, in combating illegal immigration and returning illegal immigrants to their home countries, but also in **organising legal immigration** and measures to facilitate the integration of legal immigrants, in promoting a global partnership with third countries, and in establishing a consistent human rights policy at EU level.

Parliament considers that although FRONTEX is not a panacea for all the problems caused by irregular migration, however, it can help strengthen cross-border checks at the Union's borders. To continue to do so, the mandate of the FRONTEX Agency must be extended and resources, including financial, must be increased.

Strengthening the mandate of the FRONTEX Agency: Parliament calls on the Commission to review the mandate of the Agency in order to strengthen its role and make it more effective. It stresses the absolute need to increase the resources available to FRONTEX and regrets that some Member States have, so far, not demonstrated sufficient willingness to provide the necessary assets to FRONTEX. In this context, it calls on the Member States to formalise, as soon as possible, a system of **'compulsory and irrevocable solidarity'** of the Member States. It calls, in particular, for the removal of uncertainty as to the extent of the resources it can count on in real time and ask that Member States clearly define the material resources they can make available to the Agency (especially in terms of surface assets). In the event that those resources are not provided, Member States are called upon to take a rapid decision on altering the scale of FRONTEX's budget to enable it to carry out its missions. In this context, it recalls that it, as an arm of the budgetary authority, has already increased FRONTEX's budget since the Agency's inception and will ensure that the budget is correctly implemented.

Parliament also calls for the:

- development of logistic and administrative capacities through the setting up of **two distinct external offices** - one coordinating activities at land borders, the other for sea operations;
- establishment of permanent and uninterrupted operational joint surveillance patrols all year round in all high-risk areas, particularly at sea borders where there is a serious risk of loss of life;
- establishment of precise legal conditions for FRONTEX's **sea rescue operations**;
- extension of the Agency's scope to include the fight against **human trafficking**.

The Agency is also called on to:

- **Cooperate with third countries**: Parliament welcomes the major cooperation efforts that have been achieved by almost all the third countries with which FRONTEX has been called upon to cooperate but regrets that co-operation on immigration is still lacking in other cases, such as Turkey and Libya. It calls for measures to strengthen cooperation in the field of immigration with third countries and to conclude readmission agreements;

- **Respect human rights**: Parliament calls for the mandate of FRONTEX to explicitly include an obligation to meet international human rights standards and a duty towards asylum seekers in rescue operations at high sea. Cooperation with the United Nations High Commission for Refugees and other relevant non-governmental organisations should also be formalised within the mandate. It calls on the Commission to fully evaluate FRONTEX's activities with regard to their impact on fundamental freedoms and rights, including the 'responsibility to protect'.
- **Strengthen its role in return operations**: FRONTEX should strengthen its role in supporting joint return operations. Member States should involve FRONTEX when planning and organising joint return flights.

EUROSUR: in the interest of coherence, FRONTEX should be given the task of assembling the available tools, and in particular of managing the secure web-based Information and Coordination Network for Member States' Migration Management Services (ICONET) and of resuming the work of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI). FRONTEX should also cooperate with Europol and other European agencies, as well as with other international bodies and third country border control authorities.

Towards a common policy on border management: Parliament considers the objective of truly EU integrated border management as legitimate and agree that it is important to continuously develop and strengthen it. It stresses, however, the need for an evaluation and assessment of existing systems and those under preparation before moving ahead with the new building blocks. It calls in particular for a comprehensive master plan, setting out the overall architecture of the **EU's border strategy**.

Strengthening democratic control: while Parliament calls for the strengthening of the role and impact of FRONTEX, it also calls for the strengthening of its democratic control by the European Parliament. It calls on the Agency to inform Parliament of negotiations to conclude agreements signed with third countries, to present tactical assessments focused on particular border regions, and to publish evaluation reports on joint operations and other coordinated missions. It also points out that democratic oversight of FRONTEX's activities would enhance its legitimacy.

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

2008/2157(INI) - 13/02/2008 - Document attached to the procedure

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.

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

2008/2157(INI) - 24/09/2009 - Follow-up document

On 13 February 2008, the Commission presented the Communication on examining the creation of a European Border Surveillance System (EUROSUR). In accordance with this communication, the Commission presents a report on the progress made in the developing the system. This report covers the time period from the presentation of the EUROSUR Communication (February 2008) until July 2009. It concerns in particular progress made in the three phases identified in the EUROSUR project.

To recall: the objective of EUROSUR should provide a common technical framework to support Member States' authorities in reaching full situational awareness at the southern and eastern EU external borders and increase the reaction capability of their border control authorities. Therefore, a decentralised system of (existing) systems should be established gradually in three phases, consisting in total of eight interlinked, but separate steps, which also limits the risk in case one of the steps is delayed.

In brief, the three phases consist of:

- **reinforcing the border surveillance capacity of Member States**, and fostering cooperation between them;

- **developing new tools and concepts at EU level** to be put at the disposal of the Member States;
- **integrating** the needs and tools of all aspects of maritime surveillance in one common information sharing environment.

Progress made during 2008: all concerned Member States welcomed this approach chosen by the Commission for the development of EUROSUR, leading to Council conclusions on the external borders of the EU Member States in June 2008. In its conclusions, the Council requested the Commission to report back to the Council in the first half of 2009 on progress made in developing EUROSUR on the basis of preparatory works carried out, in close cooperation with Member States and FRONTEX, including the technical study on key steps of EUROSUR.

Following the adoption of these conclusions the Commission has given priority to Phases 1 and 2 of EUROSUR, in order to meet the pressing operational needs facing the Union in particular at the southern maritime borders of the Schengen area. FRONTEX has been providing technical expertise throughout the process.

Three principal instruments have been used for the further technical preparations:

1) During 2008, all Member States concerned have programmed relevant measures under the External Borders Fund (EBF) and the Cash-Flow and Schengen Facility in line with Priority 2 of the EBF strategic guidelines which foresees Community funding of up to 75% for:

- investments in establishing or upgrading a single national coordination centre, which coordinates 24/7 the activities of all national authorities carrying out external border control tasks (detection, identification, tracking, interception) and which is able to exchange information with the centres in other Member States;
- investments in establishing or upgrading a single national surveillance system, which covers 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.

Several Member States have started with the implementation under the 2008 and 2009 EBF programmes; others are planning to gradually set up the relevant infrastructure until the end of 2013.

2) An **informal expert group** of Member States' representatives and experts (in the following: expert group) has been set up by the Commission, in which FRONTEX has also participated. This group has met so far at seven occasions.

3) In December 2008, the contract for the **technical study on developing concepts for border surveillance infrastructure**, a secure communication network and a “prefrontier” intelligence picture within the framework of EUROSUR has been signed. The study is being implemented between January 2009 and January 2010.

The objective of the study is to develop in 3 subprojects technical concepts, system architectures and technical specifications with regard to Steps 1, 2 and 6 of the EUROSUR:

- **Subproject 1**: in line with step 1 of the EUROSUR Communication, technical and management concepts shall be elaborated which can be used by Member States when extending or upgrading their national infrastructures for border surveillance.
- **Subproject 2**: in line with step 2, the system architecture and technical specifications for a secure communication network between the national coordination centres including FRONTEX shall be developed.
- **Subproject 3**: in line with step 6, the system architecture and technical specifications for a common pre-frontier intelligence picture shall be elaborated.

Next steps: in the 2nd quarter of 2010, the Commission will assess together with the Member States the next measures based on the final results of the technical study and taking into account the progress made under the different steps of EUROSUR. Member States are invited to gradually implement Phase 1 (Steps 1 and 2) from 2011 onwards, starting first with a core group of interested Member States, with the other Member States, whenever ready, joining one after the other until the end of 2013.

Concepts and tools developed under Phase 2 (in particular steps 5 and 6) shall be first tested and then progressively inserted into the EUROSUR framework from 2012 onwards.

The next report on the progress made in developing EUROSUR will be submitted to the Council in mid-2010.