Basic information

2018/0153(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
European network of immigration liaison officers. Recast Repealing Regulation (EC) No 377/2004 2003/0817(CNS) **Subject** 7.10.08 Migration policy	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	KYENGE Cécile Kashetu (S&D)	11/06/2018
	Shadow rapporteur MUSSOLINI Alessandra (PPE) GRIESBECK Nathalie (ALDE) VERGIAT Marie-Christine (GUE/NGL) KELLER Ska (Verts/ALE) VILIMSKY Harald (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	

Committee for opinion on the recast technique	Rapporteur for opinion	Appointed
JURI Legal Affairs	GERINGER DE OEDENBERG Lidia Joanna (S&D)	06/11/2018

Council of the European Union

Council configuration	Meetings	Date
Employment, Social Policy, Health and Consumer Affairs	3699	2019-06-14

European Commission	Commission DG	Commissioner
	Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
16/05/2018	Legislative proposal published	COM(2018)0303	Summary
05/07/2018	Committee referral announced in Parliament, 1st reading		
23/01/2019	Vote in committee, 1st reading		
23/01/2019	Committee decision to open interinstitutional negotiations with report adopted in committee		
29/01/2019	Committee report tabled for plenary, 1st reading	A8-0040/2019	Summary
30/01/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
11/02/2019	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
11/03/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2019)001887	
16/04/2019	Decision by Parliament, 1st reading	T8-0390/2019	Summary
16/04/2019	Results of vote in Parliament		
14/06/2019	Act adopted by Council after Parliament's 1st reading		
20/06/2019	Final act signed		
20/06/2019	End of procedure in Parliament		
25/07/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0153(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 377/2004 2003/0817(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 079-p2 Treaty on the Functioning of the European Union TFEU 074
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/13148

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE629.479	18/10/2018	
Committee draft report		PE629.752	06/11/2018	
Amendments tabled in committee		PE630.656	26/11/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0040/2019	29/01/2019	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0390/2019	16/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)001887	28/02/2019	
Draft final act	00050/2019/LEX	20/06/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0303	16/05/2018	Summary
Document attached to the procedure	SWD(2018)0197	17/05/2018	
Commission response to text adopted in plenary	SP(2019)440	08/08/2019	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	RO_CHAMBER	COM(2018)0303	16/10/2018	
Reasoned opinion	RO_CHAMBER	PE638.486	26/04/2019	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2019/1240
OJ L 198 25.07.2019, p. 0088 Summary

European network of immigration liaison officers. Recast

2018/0153(COD) - 16/05/2018 - Legislative proposal

PURPOSE: to optimise utilisation of immigration liaison officers deployed by Member States, Commission and EU Agencies to third countries.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: there are almost 500 immigration liaison officers (referred as ILOs) currently deployed by Member States to third countries. The existing Regulation (EC) No 377/2004 on ILOs sets out the obligation to establish local or regional cooperation networks among immigration liaison officers of Member States and outlines the objectives of such cooperation, as well as ILOs' tasks in relation to the third country and their responsibilities vis-à-vis the sending Member State.

The evaluation of the current ILO Regulation confirmed that ILOs and their networks **remain relevant** in the current global migration context and consistent with existing and planned EU migration policies. It also highlighted that this Regulation had a limited and above all indirect impact on the establishment of formal networks between ILOs deployed in the same place, on the intensification of the collection and sharing of information and on the improvement of the coordination of the EU's position and activities towards third countries.

The Commission therefore proposes to **review legislation on ILOs** deployed by EU Member States in third countries in order to help strengthen the European dimension of coordination with key stakeholders.

This proposal responds to the calls of the European Parliament and the European Council to develop coherent and credible policy with regards to preventing and countering illegal migration, tackling migrant smuggling and trafficking in human beings, enhancing return of illegally staying third-country nationals and managing effectively the external borders of the European Union.

CONTENT: this proposal to recast Regulation (EC) No 377/2004 lays down the general principles for the **creation a European network of immigration liaison officers** deployed by Member States as well as the Commission and Union Agencies to third countries with the objective of contributing to managing migration effectively and ensuring a high level of internal security within the European Union.

The proposal aims to:

- strengthen the rules governing the **sharing of strategic information with the Union Agencies**, ensuring that this becomes a two-way process and Member State ILOs access the relevant Agencies' analytical products in a more systematic manner and are further assisted in fulfilling their tasks in locations;
- **closer coordination** both at network management and at regional operational level of immigration liaison officers deployed by Member States, the Commission and Union agencies.

In order to **strengthen the governance** of a European network of ILOs, the proposal:

- further clarifies the definition of immigration liaison officer, making an explicit reference to law enforcement liaison officers working on immigration-related tasks;
- **introduces a Steering Board** at the European level to strengthen among Member States, the Commission and the Union Agencies the network management and coordination of immigration liaison officers deployed to third countries;
- introduces **reporting requirements** to be agreed by the Steering Board, which will include follow-up actions, and also introduces the possibility for the Steering Board to commission ad-hoc targeted information requests;
- reinforces **information exchange** between immigration liaison officers as well as members of the Steering Board via a secured web-based platform;
- provides legal certainty as to processing of **personal data** by immigration liaison officers for the purpose of fulfilling tasks and activities defined by the proposal.

BUDGETARY IMPLICATION: the total cost of implementing the proposal is estimated at **EUR 17.3 million over a nine-year period starting in 2019**, of which EUR 1.6 million to support the functioning of the Steering Board, EUR 12 million for the implementation of the activities of a European network of ILOs and EUR 3.5 million estimated for the deployment of the immigration liaison officers by the Commission.

If the proposal is adopted before the next financial framework, the necessary resources (estimated at EUR 860 000) shall be financed from the current ISF Borders and Visas budget line and the amounts shall be deducted from the total allocation of EUR 17.3 million for the implementation of this proposal.

European network of immigration liaison officers. Recast

2018/0153(COD) - 29/01/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Cécile Kashetu KYENGE (S&D, IT) on the proposal for a regulation of the European Parliament and of the Council on the creation of a European network of immigration liaison officers (recast).

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Objectives

According to Members, the Regulation should aim to optimise the use of the different expertise of immigration liaison officers deployed in third countries by Member States, the Commission and EU agencies to implement more effectively the Union's priorities of:

- ensure better management of migration,
- gradually replace irregular migration with safe and legal migration or asylum pathways,
- prevent and combat the smuggling of migrants and trafficking in human beings,
- facilitate effective and dignified returns, readmission and reintegration,
- contribute to the integrated management of the Union's external borders,
- support the management of legal immigration or international protection programmes in full compliance with humanitarian and human rights obligations.

Missions of Immigration Liaison Officers (ILO)

Information collected by ILOs shall include:

- information on the age and gender of migrants and their future travel plans;
- incidents and events that can be or become the cause of a new development or reconfiguration of migratory movements;
- means of assisting the authorities of the third country (i) to provide adequate guidance and support at the external borders in view of monitoring migration flows; (ii) to provide adequate guidance and support to persons authorised to enter the Union by lawful means; (iii) to assess the general situation of fundamental rights in the third country, including information on localisation and conditions of both receptions and detention centre as well as the conditions of such detention;
- the means to facilitate the dignified and human-rights compliant return, readmission and reintegration and where possible to monitor the situation of returning third-country nationals;
- the measures adopted or put in place in favour of vulnerable persons;
- legal immigration strategies to be promoted and existing channels or channels to be developed between the Union and third countries, including resettlement, humanitarian visas issued by Member States and other protection tools as well as mobility partnerships, labour migration, visas for students and family reunification.

Within the limits of their expertise and training, immigration liaison officers may provide assistance in this regard:

- to confirm the identity of illegally staying third-country nationals in order to facilitate the reintegration of returning third-country nationals;
- to facilitate the resettlement or the admission of persons, especially the most vulnerable, in need of or seeking international protection in the Union, by providing them with adequate pre-departure orientation, information and support;
- to facilitate the implementation of Union measures to combat the smuggling of migrants and trafficking in human beings by sharing information obtained in the course of their duties within networks of immigration liaison officers and with competent authorities of the Member States, including law enforcement authorities.

Immigration liaison officers shall carry out their tasks within the framework of their responsibilities determined by the deploying authorities, fully respecting human dignity and fundamental rights, with a particular focus on vulnerable persons.

The network of immigration liaison officers should include, where possible, immigration liaison officers specialising in the protection of children, trafficking in human beings, gender equality and protection against gender-based violence.

Immigration liaison officers shall follow a gender-sensitive approach when carrying out their tasks.

Steering Board

The Steering Board shall set priorities and define activities, adopting an annual work programme and indicating resources needed to support that work, which shall be forwarded to the European Parliament without undue delay. A Member of the European Parliament shall participate in the Steering Committee as an observer.

The Steering Board shall develop, in cooperation with the European Union Agency for Fundamental Rights, clear guidelines applicable to all immigration liaison officers providing guidance on how to ensure respect for fundamental rights.

Data processing

Members proposed to prohibit any exchange of personal data that could be used to identify persons or groups of persons whose request for access to international protection is under examination or who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights.

European network of immigration liaison officers. Recast

2018/0153(COD) - 25/07/2019 - Final act

PURPOSE: to strengthen cooperation and coordination between immigration liaison officers deployed in third countries by Member States or the EU to manage immigration issues.

LEGISLATIVE ACT: Regulation (EU) 2019/1240 of the European Parliament and of the Council on the creation of a European network of immigration liaison officers.

CONTENT: the sharp increase of mixed migratory flows in 2015 and 2016 has put migration, asylum and border management systems under pressure. This has posed a challenge for the Union and Member States, showing the need to strengthen Union policy in the field of migration with a view to achieving a coordinated and effective European response.

Scope of the new rules

This recast of Council Regulation (EC) No 377/2004 lays down rules to strengthen cooperation and coordination between immigration liaison officers deployed in third countries by Member States, the Commission and EU agencies through the creation of a European network of immigration liaison officers in order to respond more effectively to the Union's priorities of:

- to prevent and combat illegal immigration and related cross-border crime, such as the smuggling of migrants and trafficking in human beings, and to facilitate return, readmission and reintegration activities in a dignified and effective manner,

- contribute to the integrated management of the Union's external borders, as well as to support the management of legal immigration, including international protection, resettlement and pre-departure integration measures taken by Member States and the Union.

Such coordination should fully respect the existing chain of command and reporting lines between immigration liaison officers and their respective deploying authorities as well as among immigration liaison officers themselves.

Tasks of immigration liaison officers (ILO)

Liaison officers shall collect information to help third countries prevent illegal migration flows and support the management of the EU's external borders. This information shall include, among other things, information on:

- the routes taken by migratory flows;

- the existence of criminal organisations involved in the smuggling of migrants and trafficking in human beings along migration routes;

- the methods used for counterfeiting or falsification of identity documents;

- means to facilitate return, readmission and reintegration;

- measures guaranteeing effective access to protection put in place by the third country, including for the benefit of vulnerable persons;

- existing and possible future legal immigration strategies and channels between the Union and third countries.

Liaison officers will also be able to provide assistance in this regard:

- to establish the identity and nationality of third-country nationals and to facilitate their return, as well as to assist in their reintegration;

- confirm the identity of persons in need of international protection to facilitate their resettlement in the Union, in particular by providing them, as far as possible, with adequate pre-departure information and support;

- to confirm the identity of legal immigrants and to facilitate the implementation of national and Union measures concerning their admission;

- to share information obtained in the performance of their duties within networks of liaison officers and with the competent authorities of the Member States, including law enforcement authorities, in order to prevent and detect illegal immigration and to combat the smuggling of migrants and trafficking in human beings.

Joint deployment by at least two Member States should be supported by Union funds encouraging engagement and providing added value to all Member States.

Steering Board

The Regulation establishes a Steering Board at EU level to strengthen the management of the network and the coordination of immigration liaison officers, while maintaining the competence of the deploying authorities, in order to ensure efficiency and clear communication channels.

The Steering Board shall be composed of one representative from each Member State, two representatives of the Commission, one representative of the European Border and Coast Guard Agency, one representative of Europol and one representative of the European Asylum Support Office (EASO).

Funds shall be made available to support the activities of immigration liaison officers, allocated in agreement with the Steering Board.

Lastly, a secure web-based information exchange platform shall be set up by the Commission in agreement with the Steering Board.

ENTRY INTO FORCE: 14.8.2019.

European network of immigration liaison officers. Recast

2018/0153(COD) - 16/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 414 votes to 191, with 44 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the creation of a European network of immigration liaison officers (recast).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Scope

The Regulation lays down rules to enhance cooperation and coordination among immigration liaison officers deployed to third countries by Member States, the Commission and Union agencies, through the creation of a European network of immigration liaison officers. This would not prevent the authorities of the Member States, the Commission and the Union agencies from defining the scope and assignment of the tasks of their respective immigration liaison officers and the reporting relationship between them.

Tasks of immigration liaison officers (ILO)

Immigration liaison officers shall carry out their tasks within the framework of their responsibilities determined by the deploying authorities and in accordance with the provisions, including those on the protection of personal data.

The amended text stipulates that the ILOs shall carry out their tasks in accordance with fundamental rights as general principles of Union law as well as international law, including human rights obligations. They shall have particular consideration for vulnerable persons and take into account the gender dimension of migration flows.

The information collected by ILOs should also cover:

- European integrated border management at the external borders, with a view to managing migration effectively;

- migratory flows originating from or transiting through the third country, including where possible and relevant, the composition of migratory flows and migrants' intended destination;

- means to facilitate return, readmission and reintegration;

- effective access to protection that the third country has put in place, including in favour of vulnerable persons;

- existing and possible future legal immigration strategies and channels between the Union and third countries, taking into account skills and labour market needs in Member States, as well as resettlement and other protection tools;

- capacity, capability, political strategies, legislation and legal practices of third countries and stakeholders, including, where possible and relevant, regarding reception and detention centres and the conditions therein.

Local or regional networks of immigration liaison officers

Immigration liaison officers deployed to the same countries or regions shall constitute local or regional cooperation networks and cooperate, where and when appropriate, with liaison officers deployed by countries other than Member States. They shall *inter alia*, attend joint specialised training courses, when appropriate, including on fundamental rights, trafficking in human beings, smuggling of migrants, document fraud or access to international protection in third countries.

Steering Board

Countries associated with the implementation, application and development of the Schengen acquis shall participate in the Steering Board and shall appoint one representative each as members without voting rights. They shall be allowed to express views on all issues discussed and decisions taken by the Steering Board. When taking decisions on matters that are relevant for immigration liaison officers deployed by countries associated with the implementation, application and development of the Schengen acquis, the Steering Board shall take due account of the views expressed by the representatives of those countries.

Information exchange platform

It is stated that no operational law enforcement information of a strictly confidential nature shall be exchanged via the secure web-based information exchange platform. Access to data shall be restricted to immigration liaison officers, members of the Steering Board and duly authorised staff for the purpose of implementation of this Regulation.

The European Parliament shall be given access to certain parts of the secure web-based information exchange platform, as determined by the Steering Board in its rules of procedure and in accordance with the applicable Union and national rules and legislation.

Processing personal data

Personal data processed may include:

- biometric or biographic data, where necessary, to confirm the identity and nationality of third-country nationals for the purposes of return, including all types of documents which can be considered as proof or prima facie evidence of nationality;

- passenger lists for return flights and other means of transport to third countries;

- biometric or biographic data to confirm the identity and nationality of third-country nationals for the purpose of legal migration admission;

- biometric or biographic data to confirm the identity and nationality of third-country nationals in need of international protection for the purpose of resettlement;

- biometric, biographic data as well as other personal data necessary for establishing the identity of an individual and necessary for preventing and combating smuggling of migrants and trafficking in human beings, as well as personal data related to criminal networks' *modi operandi*, means of transports used, involvement of intermediaries and financial flows.

Any exchange of personal data shall be strictly limited to what is necessary for the purposes of this Regulation.

Those personal data shall be erased when they are no longer necessary in relation to the purposes for which they were collected or otherwise processed in accordance with Regulation (EU) 2016/679 (General Data Protection Regulation).