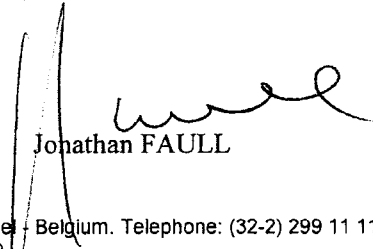Brussels, 1 1 DEC. 2007
JLS.B1 D(2007) 16488

NOTE TO THE ATTENTION OF
Ms. CATHERINE DAY, SECRETARY GENERAL
MR. MICHEL PETITE, DIRECTOR GENERAL SJ
MR. CLAUDE CHÊNE, DIRECTOR GENERAL DG ADMIN
MR. MICHAEL LEIGH, DIRECTOR GENERAL DG ELARG
MR. ENEKO LANDABURU, DIRECTOR GENERAL DG RELEX
MR. STEFANO MANSERVISI, DIRECTOR GENERAL, DG DEV
MR. JOSÉ MANUEL SILVA RODRIGUEZ, DIRECTOR GENERAL DG RTD
MR. ROBERT VERRUE, DIRECTOR GENERAL DG TAXUD
MR. MATTHIAS RUETE, DIRECTOR GENERAL DG TREN
MR. FOKION FOTIADIS, DIRECTOR GENERAL DG FISH
MR. LUIS ROMERO-REQUENA, DIRECTOR GENERAL DG BUDG
MR. HEINZ ZOUREK, DIRECTOR GENERAL, DG ENTR
MR. ROLAND SCHENKEL, DIRECTOR GENERAL, JRC
MR FRANZ-HERMANN BRÜNER, DIRECTOR GENERAL, DG OLAF

**Subject: Inter-service consultation on a draft Communications from the Commission on examining the creation of a European Border Surveillance System (EUROSUR)**

The Commission's work programme for 2008 includes as a strategic initiative the presentation of three Communications ("Border Package") on 1) the evaluation and future development of the Frontex Agency; 2) examining the creation of a European Border Surveillance System (EUROSUR); 3) the creation of an entry/exit system at the external borders of the European Union and on facilitating border crossings for bona fide travellers. The Communications should be presented in February, in order to feed into a Ministerial Conference to be organised by the incoming Slovenian Presidency on these subjects.

Please find attached a draft of the Communication on examining the creation of a European Border Surveillance System (EUROSUR) as well as its accompanying impact assessment and the summary of the latter. I take this opportunity to express my thanks for the input and contributions already provided by your departments for the preparation of this document.

I would be grateful if you would let me have any comments or observations on this draft within **15 working days.** For any additional information, please contact Mr. Henrik NIELSEN (tel 91641).

Johathan FAULL
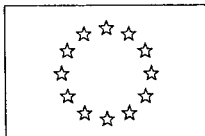
Brussels, 4 December 2007
D(2007) 10827

# Opinion

**Title**       **Impact Assessment on: Creation of an European Border Surveillance System (EUROSUR)**

**(draft version of 9 November 2007)**

**Lead DG**       **DG JLS**

## 1) Impact Assessment Board Opinion

### (A) Context

Communication COM (2006) 733 of 30 November 2006 suggested the establishment of a European Surveillance System of Borders (EUROSUR) and a permanent Coastal Patrol Network for the southern maritime external border. The conclusions of the European Council of December 2006 mentioned the setting up of a Coastal Patrol network as a priority and referred to the competence of the FRONTEX. The Commission's initiative for the establishment of EUROSUR is made in the context of the common policy of integrated management of external borders and responds to the commitment of the Commission to support the Member States in the fight against illegal immigration as expressed in the 2008 Commission Legislative Work Programme.

### (B) Positive aspects

The description of the political background, the legal framework and the size of the problem is based on detailed technical information. The conclusions of the main PEDSEA and BORTEC studies are well summarized and provide a good basis for making comparisons. The IA report examines the compliance with existing measures and refers to other relevant policy areas.

### (C) Main recommendations for improvements

*The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG.*

**General recommendation: The IA report should be more specific on the baseline scenario and roots of the existing problems. Moreover, it should explain more precisely the reason for extending the geographical scope of the border surveillance and explain the added value of the initiative in comparison to the existing and planned measures. The policy options should be defined as alternative courses of action. The sources and the structure of the financing of the initiative should be**

**clearly set out.**

**(1) The extension of the geographical scope of the initiative to the Eastern land border should be better justified.** The IA report should clearly explain the reasons - and especially the displacement effects - for extending the scope of the initiative from the southern maritime border to the Black Sea maritime border and the Eastern land border. Accordingly the report should clearly describe the insufficiency of the existing measures to address these issues.

**(2) The limitations of the current border surveillance should be demonstrated in a broader policy analysis.** The IA report touches on the issues of data protection, human rights, the threat of terrorism and cross-border organised crime, but it should be more explicit on the effectiveness of the protection of human rights and anti-terrorist measures under the current border surveillance. More generally, the efficiencies and the deficiencies of the existing measures should be examined more thoroughly to justify the necessity of the proposed action.

**(3) The specific objectives and the various options should be better explained.** The IA report should be clearer on how the specific objectives are linked to the problems and how the options contribute to achieving these objectives (using the status quo scenario as baseline). The presentation of the options should be improved so that it becomes clear whether they are interdependent or could be carried out separately; in the former case the synergies and trade-offs between the options need to be explicitly appraised. In this way the chain of reasoning leading from the problems and the main and specific objectives to the formulation of policy alternatives and their subsequent appraisal and comparison can be clearly established, such that the logic of the intervention is more clearly explained.

**(4) The IA report should be more conclusive on potential financing sources for the proposed initiative.** The IA report explicitly mentions the involvement of the FRONTEX agency, the use of the resources of the External Border Fund and the co-financing between the EU and the Member States. The IA report should describe in a clear and systematic manner the sources of financing (incl. the relevant budgetary headings) so that the structure of the financing and the financial responsibilities of the EU and the Member States are clearly set out. The IA report should further address the risk of possible lack of financing and how this might be addressed, and whether financing of emergency interventions is an issue in the context of EUROSUR.

**(D) Procedure and presentation**

The IA report should more closely respect the maximum length of 30 pages (excl. annexes) as recommended by the IA guidelines.

## 2) IAB scrutiny process

| Reference number | 2007/JLS/098; CLWP 2007 Strategic Initiative |
|---|---|
| Author DG | JLS-B-1 |
| External expertise used | No |
| Date of Board Meeting | Written Procedure |
| Date of adoption of Opinion | 4 December 2007 |

# COMMISSION STAFF WORKING DOCUMENT

# EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

## Accompanying document to the

## Commission Communication on the creation of an European Border Surveillance System (EUROSUR)

## Impact assessment

# 1. INTRODUCTION

In the Communication COM(2006)733 final of 30 November 2006 on Reinforcing the Management of the EU's Southern Maritime Borders, the Commission proposed to create a *European Surveillance System for Borders (EUROSUR)*. 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."*

In response to these European Council conclusions, this report examines the different policy options for the creation of a European Border Surveillance System. This assessment has been drafted with input from numerous contacts between different Commission services as well as FRONTEX and other relevant agencies.

In June 2007, the Commission presented to the Member States a first outline on how to set up a European Border Surveillance System in 3 phases between 2008 and 2013. In two technical meetings in July and October 2007, the Member States welcomed the approach chosen and agreed that EUROSUR should not only cover the *maritime borders*, but also the *land borders* of the EU.

# 2. STATE OF PLAY AND PROBLEMS

Built around the three pillars of common legislation, common operations and financial solidarity, a number of key steps were already taken with the adoption of the Schengen Borders Code, the Practical Handbook for Border Guards (Schengen Handbook) and the rules for local border traffic, the establishment of the FRONTEX-Agency, the creation of the Rapid Border Intervention Teams and the creation of the External Borders Fund. Furthermore, in order to cope with the current migration pressure in the Mediterranean Sea and the Canary Islands, the European Patrols Network (EPN) is currently being set up.

In addition to these measures, the creation of a European border surveillance system should enable the Member States to respond to the following challenges in a more coherent and efficient manner:

## 2.1. Challenges

- Loss of life at sea

Many illegal immigrants and persons in need of international protection are travelling in conditions of extreme hardship and are taking great personal risks in their attempts to enter the EU illegally. Especially the recent practice of travelling on board of unseaworthy and overcrowded boats has multiplied drastically the number of unfortunate migrants and refugees who are loosing their lives by drowning in the Atlantic Ocean between Africa and the Canary Islands and in the Mediterranean Sea.

The actions being considered in this assessment should improve the capacity to detect small boats in the open sea, leading to more search and rescue activities and thereby saving more lives at sea.

- Illegal immigration

In particular the southern EU Member States are currently facing a considerable number of illegal migrants using routes going through Northern Africa and the Mediterranean Sea to reach European shores.

The actions being considered in this assessment should provide the authorities responsible for border control in the Member States with more timely and reliable information 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.

- **Terrorism and organised cross-border crime**

An effective border management system both at national and European level serves not only to prevent unauthorised border crossings, but is also a valuable tool to counter cross-border crime such as terrorism, trafficking in human beings, drug smuggling, smuggling of weapons etc.

## 2.2. Problems

When responding to these challenges, Member States are currently faced with a number of shortcomings:

- For the time being, national surveillance systems are covering with permanent and mobile surveillance means only a few, selected parts of the EU external borders.

- Due to technical limitations (current performance of radar sensors, limited availability/resolution of satellites), 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.

- Technical solutions have in particular to be found for the current inability to detect and track small vessels, which are used for smuggling people and drugs into the EU.

- As soon as border controls in one area have been reinforced or one illegal immigration route has been closed down, the smuggling networks will use other methods and techniques or re-route their operations and so the transfer of the migratory pressure to other Member States or third countries not prepared to face them.

- Whereas land border control can focus on the border line, the maritime borders are a vast space which is filled with a huge number of legitimate activities such as fishing, commercial shipping, and pleasure boating that can nevertheless be easily exploited for unlawful purposes.

- 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.

In order to address these problems it is necessary to envisage a common technical framework to support Member States' authorities to act 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.

A European Border Surveillance System should support the Member States in reaching full *situational awareness* on the situation at their external borders and increase the *reaction capability* of their national law enforcement authorities. Such a framework should be set up without affecting the respective areas of jurisdiction of Member States nor harmonising or replacing any existing systems. A key operational objective should be to interlink different systems, while paying attention to geographical circumstances and differences between types of borders, in particular between land and maritime borders.

3.      POLICY OBJECTIVES

The Commission has identified the following policy objectives:

Reduction of the death toll of illegal immigrants by rescuing more lives at sea.

**Reduction of the number of illegal immigrants who manage to cross EU external borders undetected outside border crossing points.**

**Increase internal security of the EU as a whole by contributing to the prevention of trafficking in human beings, drug smuggling, terrorism etc.**

4.      POLICY OPTIONS

Three different policy options have been identified:

**Policy Option 1:** A status quo policy option involving no new actions.

**Policy Option 2:** This option includes four different actions focusing on interlinking and streamlining existing surveillance systems and mechanisms at Member States level.

**Policy Option 3:** This option comprises the actions listed in option 2 plus four additional actions, which promote the development and implementation of common tools and applications for border surveillance at EU level.

**Policy Option 4:** This option consists of all actions listed in options 2 and 3 plus one additional action, aiming at the creation of a common information sharing environment.

## Table – Overview of Policy Options

| Description of policy option | |
|---|---|
| Policy Option 1 | No changes are made to the current situation other than those that are already planned and confirmed. |
| Policy Option 2<br><br>Interlinking and streamlining existing surveillance systems and mechanisms at Member State level | Providing the essential infrastructure at national level through streamlining of command and coordination mechanisms by setting up a national coordination centre and a national surveillance system in each of the Member States located at the EU southern maritime and eastern land borders to cover all or selected parts of the external borders.<br><br>Interlinking the national infrastructures in a communication network for regular information exchange and coordination of activities between Member States' authorities as well as with FRONTEX.<br><br>Logistical and financial support to neighbouring third countries in setting up an infrastructure comparable to the one described above (surveillance system; coordination centre; assets for interception). |
| Policy Option 3<br><br>Development and implementation of common tools and applications for border surveillance at EU level | All measures mentioned under Policy option 2 plus:<br><br>Research and development to improve the performance of surveillance tools (e.g. UAVs, buoys, etc.) to increase the area covered and the number of suspicious activities detected within as well as to improve confidence in identification of potentially suspicious targets so as to optimize the subsequent interventions.<br><br>Common application of surveillance tools (e.g. satellites, UAVs, planes) to provide Member States' authorities with surveillance information on their external borders and the pre-frontier area on a more frequent and reliable basis. FRONTEX could act as a facilitator e.g. to liaise with service providers in order to receive satellite imagery or to co-ordinate the use of UAVs along the eastern land borders.<br><br>Common pre-frontier intelligence picture to enable a targeted intelligence reaction: For example on the basis of intelligence received, a target (e.g. lorry, vessel) utilised for a criminal activity has been identified abroad and is being tracked (by using satellites or ship reporting systems) until interception on EU territory. |
| Policy Option 4<br><br>Creation of a common information sharing | All measures mentioned under Policy options 2 and 3 plus:<br><br>Common information sharing environment for Mediterranean Sea and Black Sea, in which information from ship reporting systems, surveillance systems and tools and other sources is being collected, fused, analyzed and disseminated for internal security purposes, linking not only the border control authorities, but all authorities involved in |

| Description of policy option | |
|---|---|
| environment | maritime affairs together through a "common operational picture".<br><br>Extension of the above mentioned common information sharing environment for Mediterranean Sea and Black Sea to the Atlantic Ocean, North and Baltic Sea with special emphasis on creating a common information sharing environment for the EU maritime domain, covering all aspects of maritime safety and security with the general framework of the EU Maritime Policy. |

5. **COMPARISON OF THE POLICY OPTIONS**

A comparison of the options based on effectiveness and likely impacts indicates that:

**Policy Option 1:** If no changes are made to the current situation, there would be an absence of synergies and economies of scale due to the lack of links between the different systems. As a result of ad hoc and incoherent information sharing between Member States, overlaps in the collection of information are likely to occur. Research projects would be conducted without a clear policy vision.

**Policy Option 2:** This option, which focuses on upgrading and streamlining existing surveillance systems and mechanisms at Member State level, would contribute to all three policy objectives.

**Policy Option 3:** This option would also address all three policy objectives by developing common tools and applications at European level.

**Policy Option 4:** This option builds upon the actions proposed in the two previous options and combines them in a coherent framework. Taking into account the complexity and financial impact of this option, it should be limited to the Mediterranean Sea (including Canary Islands) and the Black Sea for the time being.

6. **THE PREFERRED OPTION**

Options 2, 3 and 4 are complementary to each other. In comparison to the status quo, each single option has a fundamental impact on reaching all policy objectives, but in different ways. Therefore options 2 to 4 should be combined. They are consistent which each other and will, if a phased approach is applied, gradually contribute to the achievement of all objectives.

The preferred policy actions are steps 1 to 7 as proposed under policy options 2, 3 and 4. However, at this stage these steps cannot be defined as concrete actions, but rather as forming a roadmap providing the main parameters for the development of a European Border Surveillance System. Therefore further studies have to be carried out for a number of the steps identified before concrete actions can be taken.

The development of a common information sharing environment for internal security purposes in the Mediterranean Sea and the Black Sea could serve as a precursor for a common information sharing environment for the whole maritime domain of the EU covering all aspects of maritime security and safety.

7. **MONITORING AND EVALUATION**

The impact assessment indicates potential indicators to monitor the extent to which the specific and operational policy objectives have been met. Certain indicators will have to be defined in the studies identified in the Communication.
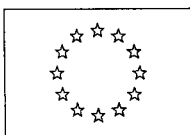
COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,
COM(2008) final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL**

**Examining the creation of a European Border Surveillance System (EUROSUR)**

**DRAFT CIS FINAL 10.12.2007**

**22 327 characters**

1.    INTRODUCTION

In its Communication of 30 November 2006 on Reinforcing the Management of the EU's Southern Maritime Borders[1], 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) and the results of the BORTEC feasibility study[2] prepared by FRONTEX, as well as other studies prepared under the Framework Programme for research and development, the objective of this Communication is to examine the parameters within which a European border surveillance system (EUROSUR), focussing 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 forms part of the overall framework set by the Integrated Maritime Policy for the European Union.

As defined in the Schengen Borders Code[3], border control consists of checks carried out at border crossing points (border checks) and surveillance of borders between border crossing points (border surveillance). This Communication focuses on enhancing border surveillance, with the main purpose of preventing unauthorised border crossings, to counter cross-border criminality and to take measures against persons who have crossed the border illegally.

It should be seen in the context of the Schengen four-tier access control model[4], including cooperation with third countries, and contribute to improving coordination of EU policies on border control with other policies such as research and development, fisheries and transport.

---

[1]    COM(2006) 733 final.
[2]    Study on technical feasibility of establishing a surveillance system (European Surveillance System), Warsaw, presented by FRONTEX on 12 January 2007. Compare also the "Feasibility study on the control of the European Union's maritime borders" presented by CIVIPOL on 4 July 2003, Council document 11490/1/03 REV1 FRONT 102 COMIX 458.
[3]    Articles 2 and 12 of Regulation (EC) No 562/2006.
[4]    The Schengen access control model consists of the following four tiers: Measures at consulates, cooperation with neighbouring countries, border control, and control measures within the Schengen area, including return.

2. **CHALLENGES AND OBJECTIVES FOR THE FURTHER DEVELOPMENT OF BORDER SURVEILLANCE**

## 2.1. Challenges

### 2.1.1. *Current surveillance infrastructure and coordination at national level*

For the time being, national surveillance systems are covering only a few, selected parts of the EU external borders. The BORTEC study has shown that 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.

### 2.1.2. *Current coverage of surveillance tools*

Due to technical (current performance of radar sensors, limited availability/resolution of satellites) 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. There are also legal issues that need to be further analysed and solved to allow for the implementation of certain new tools such as unmanned aerial vehicles (UAVs).

### 2.1.3. *Cooperation with third countries*

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.

## 2.2. Objectives

### 2.2.1. *Reduction of 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 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. The tracking of means of transports used by illegal immigrants might facilitate the readmission and removals of illegal immigrants.

### 2.2.2. *Increase internal security of the EU as a whole by contributing to the prevention of cross-border crime*

Border surveillance has not only the purpose to prevent unauthorised border crossings, but also to counter cross-border crime such as the prevention of terrorism, trafficking in human beings, drug smuggling, illicit arms trafficking etc. Significant financial means, notably flowing from involvement in different kinds of illegal activities, and the affordability of new technical means provide groups involved in organised crime with a wide range of possibilities and equipment.

To counter these threats is first and foremost a task for the police forces and intelligence services of Member States. However, an effective border management system both at national and European level contributes to reducing the risks of known or suspect terrorists entering the European Union from the outside and is also a valuable tool for fighting cross-border crime.

2.2.3. *Enhancing search and rescue capacity*

Many illegal immigrants and persons in need of international protection are travelling in conditions of extreme hardship and are taking great personal risks in their attempts to enter the EU illegally by hiding in vehicles, on cargo vessels, etc. The recent practice of travelling on board of unseaworthy and overcrowded boats, has multiplied the number of unfortunate migrants who are losing their lives by drowning in the Atlantic Ocean between Africa and the Canary Islands and in the Mediterranean Sea.

The tragic death toll resulting from this kind of illegal immigration is unacceptable and must therefore be significantly reduced. The capacity to detect small boats in the open sea must be enhanced, contributing to greater chances of search and rescue and thereby saving more lives at sea. However, long-term solutions to the challenges posed by migration management can only be achieved through a comprehensive strategy that includes cooperation with third countries, also on border surveillance.

3. **GENERAL CONCEPT**

In order to meet the objectives identified in the previous section it is necessary to envisage a common technical framework to support Member States' authorities to act 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.

A European Border Surveillance System – EUROSUR - should support the Member States in reaching full *situational awareness*[5] on the situation at their external borders and increase the *reaction capability*[6] of their law enforcement authorities.

Such a framework should be set up without affecting the respective areas of jurisdiction of Member States nor harmonising or replacing any existing systems. A key operational objective should be to interlink different systems, while paying attention to geographical circumstances and differences between types of borders, in particular between land and maritime borders.

The implementation of EUROSUR should be divided into three phases, which – with the exception of the third phase which would be built upon the first two phases – would be carried out in parallel:

---

[5] Situational awareness measures how the authorities are capable of detecting cross-border movements and finding reasoned grounds for control measures.

[6] The reaction capability measures the lapse of time required to reach any cross-border movement to be controlled and also the time and the means to react adequately to unusual circumstances.

(1)    PHASE 1: Upgrading and extending national 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, UAVs, etc.), and developing a common application of surveillance tools, including the development of a pre-frontier intelligence picture.

(3)    PHASE 3: All relevant data from national surveillance, new surveillance tools, European and international reporting systems (AIS, LRIT, VMS, etc.) and intelligence sources should be gathered, analysed and disseminated in a structured manner, to create a common information sharing environment.

Phases 1 and 2 should cover the maritime and land external borders, having regard to the risk for displacement effects. 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; the equivalent challenge of monitoring such a vast space does not arise in relation to land borders. It should ne noted that as far as air borders are concerned, illegal immigration by air is a matter of efficient border checks at border crossing points. EUROCONTROL is working on securing the European airspace and air traffic management.[7]

**4.    PRESENTATION OF THE DIFFERENT PHASES AND STEPS**

This chapter outlines in more 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. A visual representation of the different steps, leading up to phase 3, is annexed.

**4.1.    PHASE 1: Interlinking and streamlining existing surveillance systems and mechanisms at Member States level**

*4.1.1.    Step 1: Providing the essential border surveillance infrastructure at national level*

In the MEDSEA[8] and BORTEC studies and for the EPN, FRONTEX proposed to set up *National Coordination Centres* in the eight Member States forming the EU southern maritime borders in the Mediterranean Sea and the southern Atlantic Ocean[9]. For EUROSUR, such centres should also be set up in the Member States forming the EU eastern land borders and the EU maritime borders in the Black Sea[10].

Such centres should support close to real-time local, regional and national decision-making among *all* national authorities carrying out border control tasks. Such centres

---

[7]    Air Traffic Management (ATM) security is concerned with securing the ATM assets and services, to prevent threats and limit their effects on the overall aviation network. Airspace security seeks to safeguard the airspace from unauthorised use, intrusion, illegal activities or any other violation. Cf http://www.eurocontrol.int/index1.html.

[8]    MEDSEA Feasibility study of 14 July 2006 on Mediterranean Coastal Patrols Network; prepared by FRONTEX.

[9]    Portugal, Spain, France, Malta, Italy, Slovenia, Greece, Cyprus.

[10]   Norway, Finland, Estonia, Latvia, Lithuania, Poland, Slovakia, Hungary, Romania, Bulgaria.

should have the capacity to provide *situational awareness* of conditions and activities along the external borders as well as all the necessary tools to react accordingly.

The national coordination centre should function as the central part of the national surveillance system, the latter covering *all* or – based on a risk analysis – *selected* parts of the external borders of the Member State concerned.

4.1.2. *Step 2: Communication network between the national coordination centres including FRONTEX*

A secured computerised communication network should be set up in order to exchange data 24 hours a day in real-time on a one-to-one basis between centres in neighbouring Member States, and by using FRONTEX as a hub for the communication between centres in other Member States.

FRONTEX should receive information from the national coordination centres to the extent relevant for the coordination of joint operations and for risk analysis. FRONTEX could also be involved by serving as a European Situation Centre gathering and disseminating close to real-time information with regard to incidents occurring along the EU external borders.

4.1.3. *Step 3: Support to neighbouring third countries for the setting up of border surveillance infrastructure*

As the existing cooperation mechanisms in the Baltic Sea and in the Black Sea have shown, cooperation with neighbouring third countries is a pre-requisite to achieve situational awareness in the maritime domain. A number of third countries should be provided with financial and logistical support from the EU to enhance their capacity to manage their own borders including border surveillance, in order to pave the way for operational cooperation between those countries and Member States.

**Recommendations**

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, and intervention) and which is able to exchange information with the national co-ordination centres in other Member States;

- *one single national border 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;

- Member States are encouraged to make full use of the financial support available under the European Borders Fund for the above two actions.[11]

---

[11] Member States can use the External Borders Fund to co-finance up to 75% the costs of the establishment or upgrading of the national coordination centres and national border surveillance system. See specific priorities 1 and 2 of priority 2 of the strategic guidelines as laid down in Commission

FRONTEX should, before the end of 2008, present a risk assessment determining those parts of the external borders of the Member States which should be covered by a national surveillance system, a comparison of this assessment with the plans presented by the Member States, and a report on the existing and needed surveillance infrastructure in selected neighbouring third countries.

The Commission will set up a group of experts from Member States and FRONTEX to elaborate guidelines for the tasks of and the cooperation between the national coordination centres as well as on the role of FRONTEX.

The Commission will launch a technical study under the External Borders Fund and coordinated with other preparatory works to design the system architecture, for land and maritime borders and including technical specifications for a secured communication network between the national coordination centres and FRONTEX, possibly by using existing networks. The system architecture should be flexible and adaptable to accommodate the application and use of all existing as well as future border surveillance tools (cf also phase 2). The study will also include an analysis of how to link up EUROCONTROL with EUROSUR for the purpose of covering all relevant threats related to border surveillance in the long-term.

On this basis, 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 a proposal for the system architecture for the communication network;

- 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.

4.2. **PHASE 2: Development and implementation of common tools and applications for border surveillance at EU level**

4.2.1. *Step 4: Research and development to improve the performance of surveillance tools*

In particular two tools are of interest for border surveillance purposes – satellites and UAVs (unmanned aerial vehicles). Whereas earth observation (EO) satellites offer the possibility of coverage for much of the earth, including the open sea and third country coasts and territories, UAVs have the advantage over satellites that they can produce more detailed images and can be placed over the target area on demand, more often, and more cheaply.

EO satellites are useful for monitoring and intelligence gathering with regard to pre-defined areas, but currently of limited use for tracking. In wide area searches small

---

Decision C(2007)3925 of 27 August 2007 implementing Decision No 574/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2007 to 2013 for the External Borders Fund.

targets cannot be found, whereas for high resolution imagery the position of the target has to be known, e.g. on the basis of intelligence given.

UAVs can track a vessel in European and international waters with a limited operational range. They are not allowed to fly in civil airspace for legal and technological reasons. Extending their operation to coastal areas of third countries of departure would require appropriate agreements with those third countries.

4.2.2.    *Step 5: Common application of surveillance tools*

The application of surveillance tools could provide Member States' authorities with surveillance information on their external borders and on the pre-frontier area on a more frequent, reliable and cost-efficient basis. Consideration should be given on how the EU can support Member States in developing and using such tools, with regard to investments or by setting up mechanisms allowing for a shared use of capital intensive tools such as satellites.

FRONTEX could act as a facilitator e.g. to liaise with service providers in order to procure satellite imagery on behalf of several Member States or co-ordinate the sharing of equipment such as UAVs.

4.2.3.    *Step 6: Common pre-frontier intelligence picture*

The deployment of new tools opens the possibility for strategic information to be gathered by FRONTEX from various sources as well as from Member States' authorities and from third countries in order to recognise patterns and analyse trends, supporting the detection of migration routes and the prediction of risks.

In practice that could serve to establish a common pre-frontier intelligence picture as a complement to the risk analyses currently developed by FRONTEX. Such a common tool could also take on a more operational character and enable a targeted intelligence reaction, coordinated via the situation centre to be set up by FRONTEX.[12]

**Recommendations**

The 7th Framework Programme for research and development (security and space themes) should be used to improve the performance of surveillance tools to increase the area covered and the number of suspicious activities detected as well as to improve identification of potentially suspicious targets.

This Programme should also be used to optimise the use of available satellites for border surveillance purposes and to improve the access to high resolution observation satellite data.

Therefore, in spring 2009, GMES (Global Monitoring for Environment and Security) should present to the Council a detailed concept allowing Member States to receive

---

[12]    For example on the basis of intelligence collected in third countries, a vehicle or vessel utilised for a criminal activity could be identified abroad and tracked by using satellites or ship reporting systems until interception by Member States' authorities on EU territory.

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 spring 2009, FRONTEX should present a gap analysis of the current 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 of a "common pre-frontier intelligence picture" and report back to the Council in spring 2009.

**4.3.** **PHASE 3:** **Creation of a common information sharing environment by developing an integrated network of maritime surveillance systems**

*4.3.1.* *Step 7: Common information sharing environment for the Mediterranean Sea, the southern Atlantic Ocean (Canary Islands) and the Black Sea*

In its Communication on an Integrated Maritime Policy for the European Union, the Commission stated that it will *"take steps towards a more interoperable surveillance system to bring together existing monitoring and tracking systems used for maritime safety and security, protection of the marine environment, fisheries control, control of external borders and other law enforcement activities."* [13]

As stated in the action plan accompanying the Communication [14], the Commission will announce in the 2ⁿᵈ half of 2008 in the form of a Communication a detailed work plan for further steps towards the integration of all European maritime surveillance systems, thus covering all maritime areas and also non-border related aspects, such as maritime safety, protection of the marine environment, and fisheries.

Phase 3 will focus on the maritime domain, as it concerns putting together the multitude of information sources that are monitoring activities on the open seas; the equivalent challenge of monitoring such a vast space does not arise in relation to land borders.

Due to the complexity of developing such a "system of systems", and taking into account the current migratory pressure, it should initially be limited to the Mediterranean Sea, the southern Atlantic Ocean (Canary Islands) and the Black Sea and in substance to internal security purposes, linking border control authorities, and other European and national authorities with security interests and responsibilities in the maritime domain. The development of such a system should build upon the experiences made in developing regional initiatives with a similar purpose in the Baltic Sea and the Black Sea.

The aim of this step could thus be to create progressively until 2013 an integrated network of surveillance systems covering the Mediterranean Sea, the southern Atlantic Ocean (Canary Islands) and the Black Sea, in which information from

---

[13]    COM (2007) 575 final of 10.10.2007, 6.
[14]    SEC (2007) 1278 of 10.10.2007, 8.

national surveillance systems (e.g. SIVE, SPATIONAV, VTS, VTMS etc.), common surveillance tools (e.g. radar satellites, UAVs), European and international reporting systems (VMS, AIS, LRIT, SafeSeaNet, etc.) and intelligence sources (national intelligence services, etc.) are collected, fused, analysed and disseminated in a structured manner at local, Member States' or European level as appropriate.

The analysis of this data should serve to recognise patterns, analyse trends and detect anomalies and thereby predict risks. The same information, presented in an interactive fashion, should be available to all national coordination centres, to facilitate command and control and decision making in near-real-time.

This common environment could also cover activities such as the screening of vessels, people and cargo. Special attention has to be given to the security of these systems and tools, ensuring appropriate confidentiality, integrity and availability.

With regard to a possible information and data exchange between different authorities (including military authorities), it has to be further examined how the integrity of classified information can be guaranteed.

4.3.2.   *Step 8: Integrated network of surveillance systems for the whole EU maritime domain*

In the long-term and building upon the experiences gathered in step 7, the feasibility of extending the network to the northern Atlantic Ocean, the North Sea and the Baltic Sea should be analysed.

**Recommendations**

By 2009, the Commission should present to the Council a proposal for the system architecture and the necessary next steps for the implementation of an integrated network of surveillance systems for the Mediterranean Sea, the southern Atlantic Ocean (Canary Islands) and the Black Sea, as a first step. This proposal should take into account the results of a study to be launched under the External Borders Fund, studies carried out under the 7th Framework Programme for Research and Development, as well as other relevant preparatory work e.g. on legal aspects of data and information sharing in the maritime domain.

5.   PROTECTION OF PERSONAL DATA

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,[15] meaning that personal data must be processed fairly and lawfully, collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes. The processing of personal data within the context of EUROSUR must therefore be based on appropriate legislative measures, which define the nature of the processing and lay down appropriate safeguards.

---

[15]   Cf. Directive 95/46/EC (OJ L 281, 23.11.1995, 31); Regulation (EC) 45/2001 (OJ L 8, 12.1.2001, 1); Council of Europe Convention of 28.1.1981 (ETS 108).

## 6. CONCLUSIONS

- The Commission invites the Council and the European Parliament to discuss the recommendations put forward in this Communication.

- 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.

| | Phases / Steps | Responsible | EU funding | Timetable | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
| I. National infrastructures | 1. Setting up of national coordination centres and national surveillance systems | Member States, FRONTEX, Commission. | External Borders Fund (EBF). | Programming and procurement. Risk assessment by FRONTEX. | Programming & procurement. Report on guidelines. | Setting up of centres and systems. | Finalisation of setting up. Operational by end 2011. | Reserve year | - |
| | 2. Communication network between national centres including FRONTEX | Member States; FRONTEX, Commission. | EBF for Member States' parts; FRONTEX budget. | Study to prepare network architecture. | Presentation of study on network architecture and discussion. | Implementation. | Continuation. Operational by end 2011. | Reserve year | - |
| | 3. Support for neighbouring countries in setting up infrastructure | Council, FRONTEX, Commission | FRONTEX budget for study. | Study on surveillance infrastructure. Evaluation of use of programmes. | Presentation of study on surveillance infrastructure and discussion. | To extent possible, support for setting up of surveillance infrastructure in selected third countries. | | | |
| II. Common tools | 4. Research and development to improve surveillance tools | Commission | 7th Framework Programme for research and development (FP7) | Programming and execution of research development projects to improve performance of surveillance tools. | | | | | |
| | 5. Common application of surveillance tools | Commission, GMES, FRONTEX | FP7. | Study on common application of surveillance tools. | Presentation of study and discussion. | | Implementation. | | Operational by end 2013. |
| | 6. Common pre-frontier intelligence picture | Commission, FRONTEX | EBF. FRONTEX for implementation. | Development of concept. | Presentation of concept. | If approved, implementation of concept. | Continuation. Operational by end 2012. | Reserve year | |
| III. Environment | 7. Information sharing environment for Mediterranean Sea, Canary Islands and Black Sea. | Member States Commission | EBF and FP7 for studies and technical specifications. | Studies on system architecture and legal implications. | Presentation of system architecture. | Implementation. | | | Continuation. Operational by end 2013. |
| | 8. Extension to Atlantic Ocean, North and Baltic Seas. | Council, Commission | To be decided. | To be determined following 2008 Communication. | | | | | |