



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : Presidency
to : Mixed Committee at the level of Senior Officials
Subject : Draft Council Conclusions on reinforcing the southern external maritime border

Delegations will find attached the draft Council Conclusions above-mentioned, drafted by the Presidency, to be examined at the Mixed Committee at the level of Senior Officials on 27 September, with a view to their adoption by the JHA Council on 5-6 October 2006. The Draft Council Conclusions are a further response to developments along the southern external maritime border. The Presidency will also address the issue further in December against the background of intervening developments and overall implementation of the Global Approach to Migration.

**DRAFT COUNCIL CONCLUSIONS ON REINFORCING THE SOUTHERN EXTERNAL
MARITIME BORDER**

The Council:

1. *recognizes* the need for an adequate European response to the growing humanitarian crisis in the Mediterranean and the Atlantic coast as caused by the dramatic increase over recent months in the number of immigrants arriving to the Canary Islands, Lampedusa and Malta in particular. This response must take into account the particularities of the Southern external maritime border, including cooperation with third countries and must be based on the principles of tangible European solidarity sharing of responsibilities;
- 2, *recalling* the importance which it attaches to the implementation of the Global Approach to Migration: Priority Actions focusing on Africa and the Mediterranean agreed in December 2005 as part of a balanced, global and coherent approach to the issue of migration in the Union and welcoming the progress that has been made in this respect and looking forward to the Commission report to the European Council on progress made by December 2006
3. *recognising* that while the development of a sustainable political framework with the countries of origin and transit to the African continent is more pressing than ever, such a development requires a long-term perspective, and must be coupled with an integrated approach including the launch of further operational measures to reinforce control and surveillance of the external maritime border and to ensure the protection of refugees, measures which can be efficiently implemented among Member States in the short and medium term, building on the experience gained from the operations carried out by Frontex this year and paying special attention to cooperation with third countries of origin and transit;
4. *recognising* the important role of Frontex has played in coordinating the response to these developments and reaffirming the pivotal role to be played by Frontex in the context of the Community's integrated border management system in implementing operational cooperation and coordination between the Member States;

The Council:

1. *requests* work to be taken forward on the development of the EU's integrated management system for external borders/border management strategy, taking into account the particularities of each border, which will make for a long-term adaptable strategy to meet the objectives of the Community in the field, with a view to the adoption of the necessary strategic guidelines no later than December 2006;
2. *commits* itself to work, in close cooperation with the European Parliament as co-legislator, towards a speedy adoption of the Commission's proposal for a Regulation on Rapid Border Intervention Teams;
3. *recalls* its intention to analyse in-depth the role of Frontex on the basis of the Commission's evaluation report that will be presented in 2007;
4. *will seek* early agreement on the General Programme – Solidarity and Management of Migration Flows 2007-13 in order to ensure the availability of the new possibilities which the four financial instruments concerned – the European Refugee Fund, the External Borders Fund, the European Return Fund, and the European Fund for the integration of Third Country Nationals – create for Community action based on a spirit of solidarity, and invites the Commission to examine the scope for adjusting other existing and planned financial instruments for the purpose of augmenting the capacity of those instruments to respond to crisis or emergency situations;
5. *invites* the Commission, with the cooperation of Frontex and taking into account the feasibility study on the establishment of a Mediterranean Coastal Patrol Network (MEDSEA), to present a Communication to the Council before the end of 2006 identifying those further operational measures that can be taken in the short-term to equip the Union with the necessary capacity to help assist in preventing and managing migration crisis situations. In this context, the Commission should:

- examine the possibilities for reinforcing Frontex by way of additional personnel and increasing its budget allocation for 2007 and succeeding years in order to allow its further development and increase its capacity to respond immediately to crisis situations, in particular through speedy coordination procedures with Member States participating in Frontex operations;
- follow up its examination of international instruments on the law of the sea, in conjunction with relevant aspects of refugee law, with a view to the development of clear guidelines on the legal scope for action to be taken by the Community and its Member States to counter migration flows on the high seas;
- examine means for ensuring appropriate reception and support conditions in cases where large numbers of third country nationals including minors are trying to illegally enter into the territory of a Member State and to coordinate adequate support from the Community and other Member States;

6. *invites* Frontex

- to take forward work on the feasibility study on the establishment of a European Surveillance System capable of covering the whole of the southern maritime border of the Community and the Mediterranean Sea and invites the Commission to identify the appropriate follow-up to be given to the outcome of the study;
- to continue preparations to activate Article 7 of the Council Regulation EC 2007/2004 in order to establish a centralized record of technical equipment belonging to Member States which could be put at the disposal of another Member State following a needs and risk analysis carried out by the Agency;

7. *invites* Member States to actively contribute to the centralised record of technical equipment, in order to have an extensive central pool of assets and equipment available in particular for the maritime border for operational needs by summer 2007;

8. *intends*, in the context of the follow up to be given to the Rabat conference and together with the Commission, to work in close cooperation with the third countries of origin and transit concerned in developing relevant operational activities, further developing their capacities to cooperate and respond to illegal migration flows including by way of implementation of Article 13 of the Cotonou Agreement, conclusion of readmission arrangements and stable mechanisms of identification as well as by cooperation with European Agencies such as Frontex and Europol.
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