



**COUNCIL OF  
THE EUROPEAN UNION**

**GENERAL SECRETARIAT**

**ANNEX I**

Brussels, 3 July 2006

**ROOM DOCUMENT**

**SCIFA 12/06**

**Strategic Committee on Immigration, Frontiers and Asylum**

**5 July 2006**

---

**Subject : Integrated border management; Strategy deliberations**

Delegations will find attached a non-paper from the Presidency on integrated border management.

---

## 1 Introduction

The EU has recently taken important steps on the path towards integrated border management. The development was initiated by the Commission when it presented its Communication “Towards Integrated Management of the external borders of the Member States of the European Union” in May 2002. Soon after that the Council adopted the “Plan for the Management of the external borders of the Member States of the European Union” in June 2002. Since then remarkable steps have been taken, inter alia, the adoption of the Schengen Borders Code, the forthcoming adoption of the regulation on Local Border Traffic and last but not least the establishment of the FRONTEX Agency.

Border management is a security function in which all Member States have a common interest that stems from the Schengen arrangement. Due to the fact that the Member States face different conditions, the burden varies. The common interest requires an approach of solidarity. First and foremost, border management is an area of policing, where security interests have to be met while fully recognizing the commitments in the field of international protection and human rights.

To meet these various demands, the EU has established a quite rigorous *acquis*, and in addition a set of politically binding requirements for the implementation of border management. These politically binding elements include the Tampere conclusions that require that only specially trained professionals be deployed along the future external border of the EU, and the Schengen Catalogues on the correct implementation of the *Acquis*. In fact, those instruments created a paradigm of harmonised professional border control that has since been successfully copied in the context of the enlargement process. The result is currently under final evaluation as eight of the Member States are being evaluated with a view to lifting internal border controls in 2007.

Since the community has established a set of standards for border management, these standards are also referred to whenever MS experts are sent as evaluators or as means of support. Practice has shown that there is still room for harmonising the positions expressed by the EU experts. For example, the famous term “Integrated Border Management”, even if widely used, has so far not been defined.

The Finnish Presidency invites the Council to consider strategic guidelines for border management. These guidelines will carefully take stock of the developments so far, and where necessary, give guidelines for better clarity.

## 2 Guidelines

### 2.1. Definition of Integrated Border Management

The subject of this paper is Integrated Border Management, which consists of the following dimensions:

- border control (checks and surveillance) as defined in the Schengen borders code, including relevant risk analysis and crime intelligence
- investigation of cross border crime
- the four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control, control measures within the area of the free movement)
- inter-agency cooperation for border management (border guards, customs, police, national security and other relevant authorities)
- coordination and coherence of MS and institutions' activities

Integrated Border Management shall cover all the relevant threats met at the border.

### 2.2. The role of the Council and alignment with other institutions

The Integrated Border Management functions are mainly covered by the Community *acquis*. The Commission has the monopoly for launching legislative initiatives and according to one of its principal roles, it is also responsible for monitoring the implementation of the *acquis*. Based on a Council regulation, the FRONTEX agency was established in 2005. The principal duties of FRONTEX are to organize operational cooperation between Member States, based on risk analysis. Nevertheless, within the currently valid legislative and political framework, the authority and responsibility for border management remains with the Member States. Neither FRONTEX nor the Commission have any operational assets at their disposal. FRONTEX therefore remains dependent on the support of the Member States in this respect.

Not everything is covered by Community legislation, however. There are several fields of activity that are guided by political decisions and after that by EU administration. The enlargement process, external relations, crisis management operations and support to third countries are examples of this. In such fields, political monitoring and guidelines can sometimes be relevant.

There is still a clear demand for the Council's activity in the field of political and strategic monitoring and guidance. The Council mandates the Strategic Committee for Immigration, Frontiers and Asylum (SCIFA), with the assistance of representatives responsible for the issue, to take the lead in monitoring the implementation of Integrated Border Management, and preparing the necessary decisions for this purpose. This activity shall be exercised giving full support to ongoing activities and the mandate of the FRONTEX and other institutions, also taking into account the workload created by earlier commitments.

### 2.3. Enhanced transparency of border management

To an increasing extent, citizens' trust in the EU requires successfully implemented border management. Since the internal border controls were abolished, the control of external borders has become a field of the *acquis*, where the MS activities are directly linked to the security of other Member States in an extraordinary way. This makes the Schengen border controls not legally, but principally a specific field of *acquis*. Parallel to the work of the institutions, the MS administrations have also made active use of channels through which they have directly exchanged experience and have received information on the operational implementation of border controls.

The Council recognizes that the implementation of border management at all external borders should be made increasingly transparent among all Member States and towards the relevant institutions. For this purpose, it is necessary to support the FRONTEX agency's work in the field of Risk Analysis. Reiterating what was stated in the *Schengen Catalogue on correct implementation of the Schengen acquis* concerning risk analysis, the Council invites further development and wide adoption of common operational risk analysis methods. The aim must be a common methodology in measuring the operational effect of border control, and, derived from that, common ways of evaluating the effect on preventing crime and potential hidden crime at regional and local level.

As a follow-up to the Hague programme, the Commission will propose an overall evaluation mechanism of the implementation of the JHA acquis, and in 2007 it will make a proposal on the way in which the Schengen evaluation mechanism is to continue. Since this work is still underway, it is too early to have a detailed discussion of the abovementioned two topics.

#### 2.4. National Inter-agency Cooperation

The threats related to movement across the borders are various. It is advisable to guarantee that organisational barriers do not hamper the prevention of crime and terrorism. Border-related risks can be minimised by fluent cooperation between the border relevant authorities within individual Member States. Joint crime intelligence activities between border guards, customs, police and the national security authority have been highlighted as a recommended practice by the Schengen evaluation committees. The Council welcomes this model as best practice.

#### 2.5. Resources and Competences

Resources will be needed in operations managed by FRONTEX at the external borders. The Council recognises that in the longer term, this will require pooling of experts and material. After the first robust operations have been carried out in the Canary Islands and Malta, the experiences gained will be analysed.

In order to facilitate operational planning and implementation, it is necessary to define the competences, as well as the principles of charges and reimbursements. The Council invites the Commission to draw up a proposal on how to define the eligible cost of resources. The starting-point could be the full additional cost of participation (leaving the fixed cost aside).

#### 2.6. External dimension

Border management is an important element in the various contacts the EU has with Candidate Countries and other states. It is therefore useful to point out some basic principles:

### *Candidate Countries*

The EU has established specific standards for border management. These standards include the binding *acquis* and i.a. the politically binding requirements of specialisation and professionalism. These standards shall be met by any Candidate State by the day of accession.

In the *Western Balkans*, all countries have been offered the prospect of becoming Member States of the EU. This process will in the end include admitting these countries to the area of free movement, based on their own evaluated merits. The EU's approach should emphasize not only security but also proportionality. It is necessary to maintain the requirements of specialisation and professionalism, but the creation of excessive administrative capacity should be avoided. Another factor is that the EU is and will be giving support to the developments in all six countries. *Regional flexibility measures* should be introduced. Joint patrols and shared controls have already been introduced between Candidate Countries and between MS not implementing the *Schengen Acquis* in full. Examples can currently be found among the three Baltic States. Operational effectiveness and cost effectiveness could also be improved by such measures as regional operations, regional risk analysis, common training etc. Naturally, no derogations can be made in relation to the binding *acquis* such as the Schengen Borders Code.

The countries in the accession process should, as soon as possible, begin full cooperation with the EU and the Member States. For example, effective controls of illegal migration from a Candidate State towards a Member State and effective readmission should be seen as an immediate requirement. This should be taken on board in all communications by the EU with Candidate Countries.

### *Third Countries*

The Council invites the MS and institutions to promote permanent professional relations across the external border. Such relations should, where possible, also be widened to cover several states within suitable regions and sub-regions.

In its support and training activities the EU should show flexibility and respect towards local conditions. For example, an immediate imitation of the standard of full professionalism is not always feasible. In the various projects, the requirement of professionalism could in the first stage be introduced for managers, passport controllers and crime investigators. The surveillance elements could also be gradually developed by training tactical field managers only towards professionalism and a full understanding of the rules of international protection and human rights in the first stage. In various projects in third countries, the principle of *gradual improvement of professionalism* could be implemented.

### **3 Pilot projects**

The Presidency invites initiatives on the establishment of Pilot Projects at any of the four tiers of border management. Careful consideration is to be implemented in terms of setting timelines and requirements to be met by other institutions. The mandate of FRONTEX must be respected.

#### **3.1 Regional Border Management Initiatives**

The Baltic Sea Region Border Control Cooperation was started in 1996. Remarkably, this formula makes it possible to invite EU Member States and third countries to exercise operational activities as equal partners. The Council recognises the good results so far, and encourages FRONTEX and the Mediterranean States to take advantage of this experience and to develop it further under FRONTEX coordination (Medsea project). It is of the utmost importance to commit the third countries in the area to this form of cooperation.

The Presidency invites the delegations to consider whether the Prüm Agreement showed that there was still room for further opening information exchanges between national authorities.

### 3.2. Automatic border checking procedures

Automatic control procedures for bona fide travellers should be endorsed, and this could lead to amendments of the Schengen Border Code.

### 3.3. Joint Use of Liaison Officers

The Council invites FRONTEX and the MS to study how ALOs and ILOs could be jointly utilized in order to improve effectiveness and cost-efficiency. The Presidency welcomes further ideas in connection with this topic.

### 3.4. Common Consular Posts

The Council invites MS to study how consular offices could be jointly utilized in order to improve effectiveness and cost-efficiency in the issuing of visas. The Presidency welcomes further ideas in connection with this topic.

