

Informal JHA Ministerial Meeting
Tampere, 20-22 September 2006

DEVELOPMENT OF THE EU'S INTEGRATED MANAGEMENT SYSTEM FOR EXTERNAL BORDERS; BORDER MANAGEMENT STRATEGY

Significant progress has been made in developing an integrated EU border management system. Important issues here include, the establishment of Frontex, the External Borders Agency, and the adoption of the Regulation establishing a Community Code on the rules governing the movement of persons across borders (the Schengen Borders Code) and the Regulation laying down rules on local border traffic at the external land borders of the Member States, amending the Schengen Convention and the Common Consular Instructions. To ensure the constant development of EU border management, the Presidency proposes that political strategic guidelines, namely the EU border management strategy, be adopted. The strategy includes the main definitions concerning integrated border management. It also helps to specify the role of the Council, to increase the transparency of border control, to reinforce cooperation between national authorities and to deal with initiatives related to the development of border management. Moreover, the strategy provides an outline for the conduct of external relations in the field of border management.

Definitions: The Presidency aims to define 'integrated border management' as unambiguously as possible. In the Presidency's view, integrated border management should consist of the following dimensions:

- border control (checks and surveillance) as defined in the Regulation establishing a Community Code on the rules governing the movement of persons across borders, including the necessary risk analysis and criminal intelligence
- investigation of cross-border crime
- a four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control and control measures within the area of free movement)
- cooperation between the authorities in the field of border management at the national and international level (border control, customs and police authorities, security services and other relevant authorities)
- coordination and coherence of action taken by Member States and institutions.

The key principle is that *border management must cover all border related threats*.

Specifying the role of the Council: In the Presidency's view, the Council should play an active role in providing political and strategic guidelines. The Council should authorise SCIFA, together

with representatives of the authorities responsible for integrated border management, to continue its work in this field. This work must be carried out in such a way as to support the ongoing work of Frontex and other institutions, with due regard to the workload arising from previous obligations.

Increasing the transparency of border management: The trust and confidence of citizens in the European Union increasingly requires successful border management. In the Council's view, border management policy must be implemented at all external borders in a more transparent manner, both between the Member States and towards relevant institutions. This will require the development of common risk analysis and evaluation methods.

Cooperation between national authorities: Criminal intelligence, implemented in cooperation between the Border Guard, the Customs, the Police, and the national security services is the recommended practice according to the Schengen Evaluation Committees. The Presidency proposes this model as a form of 'best practice'.

The external dimension: Border management is visible in many ways in the external relations of the EU. It is then appropriate to adopt guidelines, where appropriate, to guide EU support projects and contacts with cooperation partners with an EU perspective. All of the States in the Western Balkans have been given a perspective of future membership of the European Union. It is important to retain the requirements of specialisation and professionalism, though the creation of too large an administrative capacity should also be avoided. Regional flexibility measures should be introduced. No exceptions can naturally be allowed in the case of binding provisions, such as the Regulation establishing a Community Code on the rules governing the movement of persons across borders. The countries participating in the accession process should immediately engage in extensive cooperation with the EU and its Member States. The immediate requirements should include, *inter alia*, efficient control of illegal exits from a candidate country to a Member State and effective returns. This should be made part of all contacts with EU candidate countries. The Council recommends that the Member States and the institutions support permanent professional contacts across the external borders of the Union. The principle of a gradual build-up of professionalism may be used in various projects implemented in third countries (countries without a Member State perspective).

Initiatives related to the further development of the border management system: With regard to joint operations, it is necessary to discuss national resources and the criteria for funding and to support the External Borders Agency, Frontex, by issuing it with appropriate guidelines. In its Communications, the Commission stresses the importance of a number of initiatives concerning the further development of the integrated border management system. At present, the most pressing is the initiative on the powers of the expert teams, which operate under the guidance of Frontex in respect of which a draft Regulation is already under discussion (the so-called RABIT Regulation). The Presidency considers it important that swift progress is made in this matter – a

simple and efficient system is our goal. Issues relating to the resources of joint operations should also be settled. Other initiatives to be dealt with here include cooperation in the issuing of visas; the establishment of a common entry-exit register of third-country nationals; the creation of a common database for travel documents; a study to assess the so-called Trusted Traveller Programme; and the development of common access to EU databases.

In the light of the recent events in the Mediterranean region, the Presidency considers it essential to develop not only joint operations of the EU but also regional cooperation between border authorities. The Baltic Sea region has an effective cooperation model in use within which all states in the region – both EU Member States and Russia – have been cooperating at operational level for ten years now. A similar model has been developed for the Mediterranean in the framework of the Medsea project of FRONTEX.

The Presidency's strategy for border management was discussed at the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) held on 5 July 2006. Based on the numerous comments received following the meeting, the Presidency drew up a new official document, which was discussed at the informal SCIFA meeting on 3-5 September.

Questions:

1) The Finnish Presidency aims to reach an agreement on the definition of the integrated border management system in a manner that would be appropriate to describe the ongoing progress and its results. Another aim is to establish clear criteria for the discussion and joint projects between candidate countries, third countries and other international partners. Do the Member States agree on the usefulness and content of the definition?

2) The Presidency requests comments on whether SCIFA should still be obligated to actively monitor the development of the integrated border management system and to discuss the matter, where necessary, together with representatives of the authorities responsible for integrated border management.

3) What are the positions of the Member States on the policy guidelines, which deal with the principles of transparency, cooperation between various authorities and external relations?