

ROADMAP	
TITLE OF THE INITIATIVE	Legislative proposal on the establishment of a European Border Surveillance System (EUROSUR)
TYPE OF INITIATIVE	<input checked="" type="checkbox"/> CWP <input type="checkbox"/> Non-CWP <input type="checkbox"/> Implementing act/Delegated act
LEAD DG	DG HOME
EXPECTED DATE OF ADOPTION	Month/Year: Q4 2011
VERSION OF ROADMAP	No: 2 Last modification: Month/Year: 10/2010

This indicative roadmap is provided for information purposes only and is subject to change.
It does not prejudice the final decision of the Commission on whether this initiative will be pursued
or on its final content and structure.

A. Context, problem definition
<p>(i) What is the political context of the initiative?</p> <p>(ii) How does it relate to past and possible future initiatives, and to other EU policies?</p> <p>(iii) What ex-post analysis of the existing policy has been carried out and what results are relevant for this initiative?</p>
<p>(i) (ii) In its Communication of 30 November 2006 on reinforcing the management of the EU's southern maritime borders, the Commission proposed to establish a permanent Coast Patrol Network for the southern maritime external borders and to create a European Border Surveillance System (EUROSUR). The European Council in December 2006 considered it a priority to examine the creation of a European Surveillance System for the southern maritime borders.</p> <p>On 13 February 2008, the Commission presented a Communication examining the parameters within which EUROSUR could be developed and also suggesting a roadmap for its establishment (COM(2008) 68 final). This Communication, and the accompanying Impact Assessment (IA) (SEC (2008) 151) were based on an analysis of the work done for setting up the European Patrols Network (EPN), and on the MEDSEA and BORTEC studies. On the one hand, the MEDSEA study on the reinforcement of monitoring and surveillance of the southern maritime borders of Member States, examines the facilitation of a unified and cost effective cooperation between Member States and third countries, and the possibility of establishing national coordination centres and a network for cooperation and coordination between authorities involved in sea border surveillance. On the other hand, the BORTEC study, which examines the technical viability of establishing a surveillance system covering the whole southern maritime border of Member States, describes the maritime areas which need to be covered, the targets and threats to be detected and the systems, technologies and tools to carry out the surveillance. The results of these two feasibility studies, carried out by FRONTEX, are relevant for the establishment of EUROSUR insofar as they evaluate the existing national surveillance systems and propose a more appropriate model for operational cooperation between Member States.</p> <p>Since 2008, work has been on-going for the establishment of EUROSUR, extending its focus to the eastern land borders and not only to the southern maritime borders of Member States. The priority awarded to EUROSUR has been confirmed by the Council Conclusions of June 2008 and February 2010, as well as by the Stockholm Programme and the Action Plan implementing the Stockholm Programme.</p> <p>EUROSUR is being developed within the framework of an EU policy to reinforce the management of external borders and it is therefore intrinsically linked to the concept of Integrated Border Management, as well as to the Integrated Maritime Policy of the EU. It will also feature in the Internal Security Strategy.</p> <p>(iii) In order to develop the technical requirements for different EUROSUR components, a technical study was carried out by an external contractor in 2009 and 2010, defining technical and management concepts for EUROSUR, the Common Pre-Frontier Intelligence Picture (CPIP) as well as the communication network and the related IT security framework.</p> <p>In 2010 and 2011, selected components described in these concepts will be tested and evaluated between FRONTEX and six Member States in the EUROSUR Pilot Project on the Communication Network. The results of this pilot project will be taken into consideration when drafting the legislative proposal.</p> <p>Starting from 2010-2011, six dedicated projects will be carried out in the framework of the 7th Framework Programme for Research and Development (FP7) to test and verify the technical applicability and cost-efficiency</p>

of technically more challenging solutions still under discussion within the EUROSUR community, such as the use of satellites for maritime border surveillance and the sharing of information with other user communities in the EU maritime domain.

What are the main problems which this initiative will address?

The creation of EUROSUR is intended to enable Member States to respond effectively to three main problems, namely irregular migration, loss of lives at sea and combating cross-border crime. These problems have already been expounded in the Impact Assessment of 13 February 2008.

The European Union faces considerable pressure from irregular migration at its external borders, which is expected to continue in the future. Migrants take different routes and use various methods to reach European borders, such as small boats reaching coasts in a clandestine manner, ships at the end-of-life are left in distress at sea, and stowaways in merchant ships, ferries and pleasure crafts. These persons often travel in acute conditions, facing extreme hardship with the consequence that they risk losing their lives at sea. The death toll of persons losing their life at sea is unacceptable and should be significantly reduced. Another significant problem which needs to be tackled more effectively in the course of border management is cross-border crime such as terrorism, trafficking in human beings, drugs smuggling, smuggling of weapons, etc.

Who will be affected by it?

These measures will affect authorities in Member States carrying out external border surveillance activities (border guards, coast guards, police, customs, navies etc.), border control authorities in third countries, FRONTEX, and other stakeholders such as the European Space Agency (ESA), the European Satellite Centre (ESC), the European Maritime and Safety Authority (EMSA) and the European Defence Agency (EDA). It affects industry insofar as external contractors have carried out the EUROSUR technical study and will carry out the EUROSUR Pilot Project of the Communication Network. And, finally, such measures will necessarily affect third country nationals seeking to cross the external borders without authorisation, and authors of cross-border crimes such as facilitators and traffickers.

- (i) Is EU action justified on grounds of subsidiarity?
- (ii) Why can Member States not achieve the objectives of the proposed action sufficiently by themselves? (Necessity Test)
- (iii) Can the EU achieve the objectives better? (Test of EU Value Added)

The development of EUROSUR takes into account that Member States are responsible for their national security and for controlling their external borders. EUROSUR does not affect the division of competences between the European Union (EU) and Member States, nor does it affect the division of competences within the Member States themselves. The aim is not to set up a centralised border surveillance system at EU level which would replace national systems and structures.

On the contrary, the objective is to make use of existing national systems in combination with recently developed systems (e.g. AIS, LRIT, SafeSeaNet) and technical developments (e.g. satellites), to establish an information exchange and cooperation mechanism enabling national authorities carrying out border surveillance activities and FRONTEX to cooperate at tactical, operational and strategic level.

EUROSUR will interlink different national systems and mechanisms enabling Member States to communicate and exchange information in order to have better situational awareness at their external borders, thus bringing true added value to border surveillance. This is an objective which cannot be sufficiently achieved by the Member States alone and can be better achieved at Union level.

B. Objectives of the initiative

What are the main policy objectives?

The objectives of EUROSUR, corresponding to the problems described above, are those as set out in the Commission Communication on the creation of EUROSUR, and in the accompanying IA, namely:

- reducing the number of irregular immigrants entering the EU undetected;
- reducing the death toll of irregular immigrants by rescuing more lives at sea; and
- increasing internal security of the EU as a whole by contributing to the prevention of cross-border crime.

Do the objectives imply developing EU policy in new areas?

The establishment of EUROSUR will not result in the development of a new area of EU policy but it forms part of a policy aimed at reinforcing the management of the external borders of the Member States of the EU. The legislative proposal on EUROSUR will constitute a new policy instrument which will enable systematic information exchange between Member States on border control, something which currently does not exist at EU level.

C. Options

- (i) What are the policy options being considered?
- (ii) What legislative or 'soft law' instruments could be considered?
- (iii) How do the options respect the proportionality principle?

The policy options presented below have already been identified in the IA accompanying the Commission Communication of 13 February 2008 examining the creation of EUROSUR:

Policy Option 1

A status quo policy option involving no new actions.

Policy Option 2

1. Streamlining existing national surveillance systems and providing the essential border surveillance infrastructure at national level by establishing a national coordination centre and a national surveillance system in each Member State located at the EU southern and eastern borders to cover all or selected parts of the external borders (Step 1).

2. 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 (Step 2).

3. Logistical and financial support to neighbouring third countries in setting up a similar infrastructure (Step 3).

Policy Option 3: All measures mentioned in Policy Option 2 plus:

4. Research and development to improve the performance of surveillance tools (e.g. Unmanned Aerial Vehicles - 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 (Step 4).

5. 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 coordinate the use of UAVs (Step 5).

6. Common pre-frontier intelligence picture to enable a targeted intelligence reaction: for example, on the basis of intelligence received from third countries' authorities, a target (e.g. vehicle, vessel) used for a criminal activity is identified abroad and is being tracked by using satellites or ship reporting systems until interception on EU territory (Step 6).

Policy Option 4: All measures mentioned in Policy Option 3 plus:

7. Development of a common information sharing environment for the southern maritime borders for internal security purposes (Step 7).

8. Creation of a common information sharing environment for the whole EU maritime domain, covering all stakeholders with interests in maritime surveillance within the general framework of the EU Maritime Policy (Step 8).

The proposed options consist of a series of steps which may be implemented gradually. This step-by-step approach allows for focus to be placed on the needs of border control authorities and the information to be exchanged between them. These elements are also tested and verified in the EUROSUR Pilot Project on the Communication Network which will be running between 2010 and 2011, and the results of which will be taken into consideration when drafting the legislative proposal. Furthermore, demonstration projects funded in the 7th Framework Programme for Research and Development and under the EU Integrated Maritime Policy will be used to test selected components of EUROSUR. This ensures that the measures adopted for the establishment of EUROSUR do not go beyond what is necessary in order to achieve its objectives.

Under the 2008 IA, the preferred policy actions were Steps 1 to 7 as proposed under Policy Options 2, 3 and 4. These steps were not identified as concrete actions but rather as forming a roadmap providing the main parameters for the development of EUROSUR. Notwithstanding that these steps continue to make up the whole EUROSUR project and work will continue on all step in parallel, the legislative proposal will only focus on selected steps of some of these policy options, as follows:

- Steps 1 and 2 of Policy Option 2, namely the establishment of the national coordination centres, including minimum requirements and tasks, the secure communication network and the definition of the information to be

exchanged between the national coordination centres and with FRONTEX, and by FRONTEX to the national coordination centres; and

- Step 7 of Policy Option 4, thus including the exchange of information in the domain of internal security.

D. Initial assessment of impacts

What are the benefits and costs of each of the policy options?

Policy Option 1, is a status quo policy which does not involve any new action. The benefit of taking up this option is that it would not involve any additional costs but it does not contribute towards achieving the policy objectives either. With this option there would be an absence of synergies and economies of scale due to the lack of links between the national border surveillance systems, as well as with ship reporting systems currently being set up in other sectors (e.g. maritime safety and security, fisheries), while also taking into account the latest technological developments (e.g. in satellite technology). Furthermore, the status quo provides for ad hoc and incoherent information sharing between Member States, when the central issue in EUROSUR is to enable information sharing between different authorities and systems. Under this policy option, overlaps in the collection of information are likely to occur between Member States and between different sectoral systems.

Policy Option 2 contributes towards achieving all three policy objectives by focusing on upgrading and streamlining existing surveillance systems and mechanisms at Member States' level. This entails the definition of a common technical and operational framework for cooperation and information exchange between Member States, including FRONTEX. This could also gradually include neighbouring third countries, which, however, would need logistic and financial support from the EU. Action under this policy option allows for the coherent use of detection tools, human resources and information sharing at national level. Furthermore, it extends the geographical scope of the EPN and follows the strategic guidelines of the External Borders Fund (EBF). This policy option provides a coherent strategy for the use of EU funding (EBF and FRONTEX budget). Member States may use EBF to cofinance up to 75% of the costs. However, at this stage it is not possible to estimate the exact costs for this policy option.

Policy Option 3 comprises all actions listed in Policy Option 2. In addition, it contains a series of measures which, for practical, technical and reasons of cost-efficiency, should be developed and implemented at EU level. This action contributes towards achieving all three policy objectives by improving the technical ability to better identify and track targets, such as small boats carrying irregular immigrants. Some measures might entail medium to high costs, which are still not possible to estimate at the moment. This "package" of actions includes several non-legislative actions to increase cooperation and burden-sharing between Member States, using funding available under the 7th Framework Programme for research and development.

Policy Option 4 builds upon the surveillance infrastructure at Member States' level (Policy Option 2) and the common application of surveillance tools (Policy Option 3), while extending the information sharing to the whole EU maritime domain and other stakeholders. This action contributes towards achieving all three policy objectives and is in line with EU Maritime Policy. Taking into account the political and technical complexity and number of stakeholders faced when developing such an environment, it should be pursued in a separate context (e.g. EU integrated maritime policy). An exact cost estimate for this policy option is not available at this stage.

The advantage of taking forward a legislative proposal which focuses only on selected steps of Policy Options 2 and 4 is that it will be possible to concentrate on the needs of border control authorities and the information to be exchanged between them with the aim of meeting these needs within the short-term. This proposal will constitute the legal framework of EUROSUR and will establish minimum requirements for the national coordination centres, the secure communication network and as regards the information to be exchanged. This would allow for a measure of uniformity and consistency within the national surveillance systems thus ensuring efficiency and effectiveness in the cooperation and exchange of information between the Member States. Furthermore, this proposal will provide the legal basis to meet the three policy objectives of EUROSUR by encompassing within its scope the fight against irregular immigration as well as the fight against cross-border crime. An exact cost estimate for this option is not available at this stage.

Could any or all of the options have significant impacts on (i) simplification, (ii) administrative burden and (iii) on relations with other countries, (iv) implementation arrangements? And (v) could any be difficult to transpose for certain Member States?

EUROSUR will streamline and therefore simplify the cooperation between border control authorities. While at an initial stage it might increase the administrative burden due to new procedures and workflows, in the mid-term it will definitively facilitate the daily operational work of the national authorities involved. The importance of cooperation with neighbouring third countries is highlighted by the fact that this issue has been defined as a component on its own in EUROSUR. Implementation arrangements will be necessary for Member States to establish or upgrade their national coordination centres and also to be linked to the EUROSUR network. Most Member States already have the minimum infrastructure in place and therefore it is not envisaged that they would encounter difficulties in upgrading and connecting their systems. The difficulties which some Member

States may meet are more of a political nature rather than technical, e.g. determining which national authority should be responsible for the national coordination centre.
(i) Will an IA be carried out for this initiative and/or possible follow-up initiatives? (ii) When will the IA work start? (iii) When will you set up the IA Steering Group and how often will it meet? (iv) What DGs will be invited?
An IA will be carried out for this initiative. Work on the IA assessment is expected to start in autumn 2010. An inter-service steering group will be set up in autumn 2010, involving in particular DG ENTR, DG MARE, DG MOVE, OLAF, SG and DG RELEX, with whom a close cooperation is already on-going. This group will meet every three months.
(i) Is any of options likely to have impacts on the EU budget above €5m? (ii) If so, will this IA serve also as an ex-ante evaluation, as required by the Financial regulation? If not, provide information about the timing of the ex-ante evaluation.
Under Policy Options 2 to 4, the impact on the EU budget is expected to be above 5 MEUR. In 2007-2009, Member States were using around 45% of the funding available under the EBF for setting up the needed infrastructure (national coordination centres, national border surveillance systems, operational equipment etc.). FRONTEX is providing funding for the EUROSUR Pilot Project on the Communication Network. Furthermore, considerable FP7 funding, amounting to several dozens of MEUR, is being used for EUROSUR-related activities. Cost estimates for the different components of EUROSUR have been carried out in a technical study carried out by an external contractor. However, taking into account that EUROSUR will be implemented mainly by Member States in a decentralised manner, using EU and national funding, it is difficult to provide for an exact figure at this stage. The IA will also serve as an ex-ante evaluation.

E. Evidence base, planning of further work and consultation

(i) What information and data are already available? Will existing impact assessment and evaluation work be used? (ii) What further information needs to be gathered, how will this be done (e.g. internally or by an external contractor), and by when? (iii) What is the timing for the procurement process & the contract for any external contracts that you are planning (e.g. for analytical studies, information gathering, etc.)? (iv) Is any particular communication or information activity foreseen? If so, what, and by when?
A significant amount of information was already collected when preparing the Commission Communication on the creation of EUROSUR and the accompanying IA in 2008. In addition to that, Member States replied to a questionnaire prepared by the Commission in August 2008 as regards the national coordination centres, the communication network, the role of FRONTEX and the information to be exchanged. A technical study has been carried out by an external contractor defining technical and management concepts for EUROSUR, the Common Pre-Frontier Intelligence Picture (CPIP) as well as the communication network and the related IT security framework. Additional information will be collected from the EUROSUR Pilot Project on the Communication Network. This pilot project is being carried out within the framework of a MS experts' group coordinated by FRONTEX, which is also elaborating a data model. The network for the pilot project will be set up by an external contractor on the basis of technical specifications elaborated by FRONTEX. This pilot project is expected to start in autumn 2010 and will run for 18 months. Other information may be obtained with the revision of the EUROSUR guidelines, which have been elaborated on the basis of a previous 2009 version, and which are discussed with Member States' representatives in the EUROSUR expert group. Information is also expected to be collected from the GMES (Global Monitoring for Environment and Security) expert group on EUROSUR, which has elaborated a GMES concept and which is currently working on a concept of operations. The significance of administrative costs will be considered and if necessary data will be collected. No further external contracts are planned. A second progress report on the development of EUROSUR is foreseen for autumn 2010. In 2009 and 2010, DG HOME (ex-DG JLS) and FRONTEX have given several presentations on the EUROSUR development to a wide circle of communities, including different Commission services and EU agencies, the Council (e.g. Frontiers Council Working Group, Standing Committee on Operational Cooperation on Internal

Security), industry (e.g. European Organisation for Security), the research community (2008 and 2010 EU Security Research Conferences), the defence community (EDA, NATO) and many other user communities (coast guards, transport etc.). As a result, thousands of people with personal and professional interest in border surveillance have been informed in detail about the EUROSUR initiative and their input and expertise have been taken into account by DG HOME. Communication activities will be decided on closer to date.

Which stakeholders & experts have been or will be consulted, how, and at what stage?

Member States have been extensively consulted and will continue to be consulted in different expert groups, namely the EUROSUR Member States' Expert Group, the subgroup on GMES and the subgroup on the Pilot Project for the EUROSUR Network in the preparation of the IA and the legislative proposal. Furthermore, the work done by the Member States' expert group on the Integration of Maritime Surveillance is closely followed.

Consultations are continuously undergoing with FRONTEX, especially as regards the Pilot Project. Other stakeholders involved are EMSA, ESA and EUSC.

External contractors have been consulted throughout 2009, and at the beginning of 2010 they presented the EUROSUR technical study. External contractors will also be involved in setting up the Pilot Project for the EUROSUR network.