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**A5-0344/2003**

9 October 2003

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## **REPORT**

on the initiative of the Hellenic Republic with a view to adopting a Council Regulation on the creation of an immigration liaison officers network (9870/2003 – C5-0260/2003 – 2003/0817(CNS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Martine Roure

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 10 June 2003 the Council consulted Parliament, pursuant to Article 67 of the EC Treaty, on the initiative of the Hellenic Republic with a view to adopting a Council Regulation on the creation of an immigration liaison officers network (9870/2003 – 2003/0817(CNS)).

At the sitting of 19 June 2003 the President of Parliament announced that he had referred the proposal to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the Committee on Development and Cooperation for their opinions (C5-0260/2003).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Martine Roure rapporteur at its meeting of 9 July 2003.

The committee considered the initiative of the Hellenic Republic and the draft report at its meetings of 30 September and 7 October 2003.

At the latter meeting it adopted the draft legislative resolution by 23 votes to 9, with 0 abstentions.

The following were present for the vote Jorge Salvador Hernández Mollar, chairman; Robert J.E. Evans, vice-chairman; Giacomo Santini, vice-chairman; Martine Roure, rapporteur; Mary Elizabeth Banotti, Regina Bastos (for Carlos Coelho pursuant to Rule 153(2)), Maria Berger (for Margot Keßler), Alima Boumediene-Thiery, Giuseppe Brienza, Kathalijne Maria Buitenweg (for Pierre Jonckheer), Marco Cappato (for Mario Borghezio), Michael Cashman, Charlotte Cederschiöld, Carmen Cerdeira Morterero, Ozan Ceyhun, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Marie-Thérèse Hermange (for Thierry Cornillet), Alain Krivine (for Fodé Sylla), Baroness Ludford, Lucio Manisco (for Ole Krarup), Bill Newton Dunn, Marcelino Oreja Arburúa, Elena Ornella Paciotti, Hubert Pirker, Heide Rühle, Francesco Rutelli, Patsy Sörensen, Joke Swiebel, Anna Terrón i Cusí, Maurizio Turco and Christian Ulrik von Boetticher.

The opinion of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy is attached. The Committee on Development and Cooperation decided on 9 July 2003 not to deliver an opinion.

The report was tabled on 9 October 2003.

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the initiative of the Hellenic Republic with a view to adopting a Council Regulation on the creation of an immigration liaison officers network (9870/2003 – C5-0260/2003 – 2003/0817(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the initiative of the Hellenic Republic (9870/2003)<sup>1</sup>,
  - having regard to Articles 63(3)(b) and 66 of the EC Treaty,
  - having regard to Article 67 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0260/2003),
  - having regard to Rule 67 and Rule 61 of its Rules of Procedure,
  - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0344/2003),
1. Approves the initiative of the Hellenic Republic as amended;
  2. Calls on the Council to alter the text accordingly;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the initiative of the Hellenic Republic substantially;
  5. Instructs its President to forward its position to the Council, the Commission and the government of the Hellenic Republic.

Text proposed by the Hellenic Republic

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Amendments by Parliament

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#### Amendment 1

Article 2, paragraph 2, letter (j a) (new)

***(ja) information transmitted via an "immigration officers' intranet system" and the police central (head) office in the host country;***

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<sup>1</sup> OJ C 140 E, 14.6.2003, p. 12.

Amendment 2  
Article 2, paragraph 2, letter (j b) (new)

***(jb) information intended to assist immediate humanitarian aid in the event of human tragedies linked to illegal immigration.***

Amendment 3  
Article 3, paragraph 1

1. Member States shall inform one another, the Council and the Commission of their secondments of immigration liaison officers to third countries, including a description of their duties. The Commission shall present an annual summary ***to the Council*** concerning ***Member States'*** postings of immigration liaison officers.

1. Member States shall inform one another, the Council and the Commission of their secondments of immigration liaison officers to third countries, including a description of their duties. ***The Commission shall present to the Council and to the Member States*** an annual summary concerning postings of immigration liaison officers.

*Justification*

*The information centralised and summarised by the Commission must be returned to the Member States in order to ensure that all necessary information is placed at the disposal of all the Member States concerned.*

Amendment 4  
Article 4, paragraph 1, point (b)

(b) exchange information and practical experience;

(b) exchange information and practical experience ***in accordance with the arrangements set out in the common manual;***

*Justification*

*The common manual for use by liaison officers proposed by the Italian Presidency could be used as an opportunity to clarify the way information is passed on and the type of information exchanged.*

Amendment 5  
Article 4, paragraph 1, letter (ea) (new)

***(ea) implement a common information policy aimed at making the local population aware of the existence of legal ways of immigrating and warning them of the dangers of illegal immigration and of slave trafficking networks;***

*Justification*

*One way of preventing illegal immigration is to bring legal ways of immigrating to the attention of those concerned. Targeted information campaigns could also have a deterrent effect on potential illegal immigrants and help prevent tragedies.*

Amendment 6  
Article 4, paragraph 1, letter (fa)(new)

***(fa) attend workshops and seminars organised on a rota system by the Member States represented in the third countries concerned, in which members of similar networks set up in neighbouring third countries shall be invited to take part.***

*Justification*

*The more personal links are established, the more effective the network will be.*

Amendment 7  
Article 4, paragraph 2

2. Local representatives of the Commission of the European Communities shall ***be entitled to*** participate in the meetings organised within the framework of immigration liaison officers network. Other bodies and authorities may also be invited, as appropriate.

2. Local representatives of the Commission of the European Communities shall participate in the meetings organised within the framework of immigration liaison officers network. Other bodies and authorities may also be invited, as appropriate. ***The same Commission representatives shall provide information to liaison officers on entry, exit and residence***

***conditions in the various Member States of the European Union.***

*Justification*

*The Commission's role should be strengthened in the interests of improving information policy in the fight against illegal immigration.*

Amendment 8  
Article 4, paragraph 3

3. The Member State holding the Presidency of the Council of the European Union shall take the initiative to hold the meetings referred to in paragraph 1(a). However, if the Member State holding the Presidency is not represented in the country or region, ***the Member State serving as acting Presidency shall take*** the initiative to hold the meeting.

3. The Member State holding the Presidency of the Council of the European Union shall take the initiative to hold the meetings referred to in paragraph 1(a). However, if the Member State holding the Presidency is not represented in the country or region, ***it may delegate*** the initiative to hold the meeting ***to another Member State.***

*Justification*

*This makes the wording much clearer and simplifies the procedure.*

Amendment 9  
Article 6a (new)

***6a. In its activities, the immigration liaison officers' network shall respect democratic principles, human rights, the principle of transparency, the national sovereignty of the countries and their laws;***

Amendment 10  
Article 7, paragraph 1

1. The Member State holding the Presidency of the Council of the European Union or, if this Member State is not represented in the country or region, the Member State serving as acting Presidency shall draw up, by the end of each semester, a report to ***the Council and the Commission*** on the activities of

1. The Member State holding the Presidency of the Council of the European Union or, if this Member State is not represented in the country or region, the Member State serving as acting Presidency shall draw up, by the end of each semester, a report to the ***Council, the Commission and Parliament*** on the activities of

immigration liaison officers networks in which it has a representative and on the situation in host countries, in matters relating to illegal immigration.

immigration liaison officers networks in which it has a representative and on the situation in host countries, in matters relating to illegal immigration.

Amendment 11  
Article 7, paragraph 3

3. The reports constitute an essential form of information for the preparation at the end of each Presidency of an evaluation report drafted by the Presidency in cooperation with the Commission and submitted to the Council, on the existing situation in each third country, in which Member States' immigration liaison officers are posted.

3. The reports constitute an essential form of information for the preparation at the end of each Presidency of an evaluation report drafted by the Presidency in cooperation with the Commission and submitted to the Council **and Parliament**, on the existing situation in each third country, in which Member States' immigration liaison officers are posted.

Amendment 12  
Article 7, paragraph 4

4. The Commission shall, on the basis of the abovementioned reports draw up a summary factual report which shall be submitted to the European Parliament and the Council before the end of each year. When presenting its summary factual report to **the Council** the Commission may make such proposals or recommendations as it deems appropriate concerning improving the information-liaison officer network and the existing situation in each third country.

4. The Commission shall, on the basis of the abovementioned reports draw up a summary factual report which shall be submitted to the European Parliament and the Council before the end of each year. When presenting its summary factual report to **Council and Parliament** the Commission may make such proposals or recommendations as it deems appropriate concerning improving the information-liaison officer network and the existing situation in each third country.

Amendment 13  
Article 7, paragraph 4 a (new)

***4a. The Commission shall ask its delegations in the countries in which immigration originates to provide access to information on immigration for citizens of those countries, in cooperation with the embassies of the Member States, the authorities of the countries concerned and the immigration liaison officers.***

*Justification*

*An important part of the fight against illegal immigration is to promote and coordinate an effective information policy in the countries in which immigration originates.*

## EXPLANATORY STATEMENT

The European Council meeting in Seville on 21 and 22 June 2002 called in its conclusions for the creation, by the end of 2002, of a network of Member States' immigration liaison officers (hereafter referred to as ILOs) as part of the gradual establishment of coordinated, integrated management of the external borders<sup>1</sup>. In so doing, it was acting on the 'Plan for the Management of the External Borders of the Member States of the European Union' adopted a few days earlier by the JHA Council, which states that 'all the ILOs of the Member States located in the same foreign country should work effectively together' and that networks should be rapidly put in place for this purpose<sup>2</sup>.

Shortly afterwards, the Danish Presidency drew up a report, based on a survey carried out among the ILOs posted by the Member States to various third countries, from which it emerged that close links had already been established among the ILOs but that this informal cooperation needed to be placed within a framework that would formalise and strengthen it<sup>3</sup>.

The JHA Council of 28 and 29 November ratified the conclusions of the abovementioned report and announced its intention of ensuring that the ILOs carried out their task 'within the framework of an integrated network'<sup>4</sup>.

The Thessaloniki European Council therefore concluded that it was necessary to speed up the work with a view to adopting by the end of 2003 a legal instrument which would officially establish the network of ILOs in third countries.

The regulation under consideration here is the response to this call, and let it be said here and now that your rapporteur welcomes both its spirit and its purpose. She takes the view that a formalisation of cooperation in this area must be approved, for reasons of both transparency and efficiency.

Although she has decided to table only a limited number of amendments, your rapporteur would nevertheless like to make a number of comments and ask questions on certain points.

On the particularly important issue of information exchange, she takes the view that the wording of the proposed regulation is much too vague. Article 4(1)(b), for example, restricts itself to requiring ILOs to 'exchange information and practical experience'. One wonders whether, for the sake of precision and efficiency, it would not be better to define more closely the type of information to be exchanged, the nature of the channels of communication to be used for the purpose and the time limits to be observed when a request for information is received.

By the same token, it would seem desirable for the exchanges of information between the Member States and the Commission and Council on the subject of postings of ILOs and the

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<sup>1</sup> Seville European Council of 21 and 22 June 2002, Presidency Conclusions, point 32.

<sup>2</sup> Doc. 10019/02 of 14 June 2002, point 67.

<sup>3</sup> Doc. 13406/02 of 28 October 2002.

<sup>4</sup> Justice and Home Affairs Council of 28 and 29 November 2002.

exact nature of their duties to be two-way. This means, in practical terms, that the Commission should ensure that the summary of such information supplied to it by the Member States (Article 3(1)) should then be passed not only on to the Council but also to those Member States.

The tasks for which the ILOs are responsible, as set out in Article 1(1), are essentially of three kinds: (1) helping to prevent and combat illegal immigration, (2) helping with the return of illegal immigrants and (3) contributing to the management of legal immigration. However, the third aspect is left extremely vague: the form which this management might take is never spelled out elsewhere in the Regulation. In the opinion of the rapporteur, this is a shortcoming which should be remedied. Ten areas are set out in which the ILOs are expected to gather information relating to illegal immigration. Just as such information is gathered with a view to reinforcing the fight against illegal immigration, information should be disseminated in the relevant countries on methods of legal immigration, and the public should be made aware of the dangers of illegal immigration and the risk that illegal immigrants run of falling into the hands of unscrupulous smugglers or finding themselves involved with a slave-trading network. Thought should be given to the best way of disseminating this type of information and to the role that the EU might play in this area.

Prevention of slavery is a subject dear to the heart of your rapporteur, and it is for this reason that she deplores the fact that the fight against this phenomenon, falling as it does within the scope of the third pillar, cannot officially be included among the tasks of the ILOs in this Regulation. She would like, nevertheless, to take this opportunity of stressing how fine the line is between trafficking and slave-trading, and how the distinction between the pillars seems increasingly pointless and counter-productive in consequence. This is illustrated, for example, by the UN Convention against Transnational Organised Crime. Its additional Protocol against the Smuggling of Migrants by Land, Sea and Air states that each State Party shall adopt such legislative and other measures as may be necessary to establish smuggling of migrants as a *criminal offence*<sup>1</sup>. One cannot help wondering what will happen if the Council acts on the Commission proposal to ratify this Convention and its Protocols<sup>2</sup>, which is due to come into force on 29 September 2003, on behalf of the EU. Will this have the effect of sending the fight against smuggling of migrants back to the third pillar? Though it may be purely theoretical, this question is worth asking.

There is also a certain confusion between the pillars in the Regulation itself. Article 1(2) says that liaison officers who are dealing with immigration issues as part of their duties shall also be regarded as immigration liaison officers. Your rapporteur would like to point out in this connection that these liaison officers, who are, in fact, liaison officers posted abroad by the law enforcement authorities, are the subject of a Council decision providing for their common use by the Member States<sup>3</sup>. It is interesting to note that, when consulted on the Danish initiative, which stated inter alia that the aim of the decision in question was to regulate questions relating to the fight against serious cross-border crime, and *not questions relating to asylum or immigration*, the European Parliament considered the second part of this statement

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<sup>1</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air (Article 6(1)(a)). Note that Article 5 states that migrants shall not become liable to criminal prosecution under the Protocol for the fact of having been the object of conduct set forth in Article 6 thereof.

<sup>2</sup> The other additional protocol is the Protocol to prevent, suppress and punish trafficking in persons, especially women and children.

<sup>3</sup> Doc. 15525/02 of 21 January 2003.

to be superfluous and proposed that it be deleted<sup>1</sup>, a proposal which the Council adopted. One is therefore surprised to find liaison officers assuming the tasks of ILOs in the context of this Regulation. While this may be justified on the ground for practical and operational reasons which cannot easily be judged from outside, one wonders whether the decision to have liaison officers wearing two hats does not contribute to placing immigration and organised crime on the same footing. In any event, as the Council itself recently acknowledged, a clearer distinction should be made between the roles of liaison officers, 'Immigration' liaison officers, airport liaison officers, documentary advisers, technical advisers and consular services, all of which deal with immigration issues<sup>2</sup>.

Just as it would seem desirable to delineate the area of activity of ILOs and precisely define their tasks, there should also be some harmonisation, even if only partial, of the training that they receive. Some ILOs interviewed when the Danish Presidency report was being drafted see this as a sine qua non for the creation of a genuine network. This training could be given partly in the form of seminars and workshops, which would have the undeniable advantage of fostering personal contact – the very essence of a network.

These are your rapporteur's comments on a text which she regards as acceptable overall and which should be supplemented with the useful addition of a common manual for the ILOs, as presented by the Italian Presidency.

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<sup>1</sup> Report of 6 November 2002 on the Initiative of the Kingdom of Denmark with a view to adopting a Council Decision on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States.

<sup>2</sup> Justice and Home Affairs Council of 28 and 29 November 2002.

6 October 2003

**OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS, HUMAN RIGHTS,  
COMMON SECURITY AND DEFENCE POLICY**

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the initiative of the Hellenic Republic with a view to adopting a Council regulation on the creation of an immigration liaison officers network  
(9870/2003 – C5-0260/2003 – 2003/0817(CNS))

Draftsman: Ioannis Souladakis

**PROCEDURE**

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy appointed Ioannis Souladakis draftsman at its meeting of 8 July 2003.

It considered the draft opinion at its meetings of 1 October and 6 October 2003.

At the latter meeting it adopted the following amendments unanimously.

The following were present for the vote: Baroness Nicholson of Winterbourne, 1st vice-chairman, Christos Zacharakis, 3rd vice-chairman, Ioannis Souladakis (draftsman), Ole Andreasen, André Brie, Philip Claeys, Vitaliano Gemelli (for Jas Gawronski), Alfred Gomolka, Richard Howitt, Ulpu Iivari (for Jannis Sakellariou), Pedro Marset Campos, Miguel Angel Martínez Martínez (for Rosa M. Díez González), Emilio Menéndez del Valle, Ioannis Patakis (for Efstratios Korakas pursuant to Rule 153(2)), Ulla Margrethe Sandbæk (for Bastiaan Belder) and Joan Vallvé.

## SHORT JUSTIFICATION

The initiative of Greece in view of establishing a Network of Immigration Liaison Officers is a highly important and positive step. The ILOs network is a part of an effective integrated management of the external border of European Union Member States. This network will contribute to the evaluation mechanism for the third countries which do not cooperate with the EU in combating illegal immigration. The European Council in Seville asked for the establishment of the ILOs network by the end of 2002. The European Council of Thessaloniki emphasised the need for acceleration of work for the adoption of the appropriate legal instrument formally establishing the ILOs network by the end of 2003. The amendments proposed here to the legislative text are designed, firstly, to put this initiative in a wider context of the slow but irresistible progress of the EU towards a common external service and to make sure that democracy, transparency and human rights are fully respected in the network's activities. Secondly, they are designed to increase Parliament's involvement in this activity through the reporting system.

## AMENDMENTS

The Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Council<sup>1</sup>

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Amendments by Parliament

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Amendment 1  
Recital 4 a (new)

***(4a) The creation of the immigration liaison officers' network can be considered as a step in the direction towards the establishment of a common external service of the EU as demanded by Parliament on numerous occasions;***

Amendment 2  
Article 2, paragraph 2, letter (j a) (new)

***(ja) information transmitted via an "immigration officers' intranet system" and the police central (head) office in the host country;***

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<sup>1</sup> OJ C 140, 14.6.2003, p. 12

Amendment 3  
Article 2, paragraph 2, letter (j b) (new)

***(jb) information intended to assist immediate humanitarian aid in the event of human tragedies linked to illegal immigration.***

Amendment 4  
Article 6a (new)

***6a. In its activities, the immigration liaison officers' network shall respect democratic principles, human rights, the principle of transparency, the national sovereignty of the countries and their laws;***

Amendment 5  
Article 7, paragraph 1

1. The Member State holding the Presidency of the Council of the European Union or, if this Member State is not represented in the country or region, the Member State serving as acting Presidency shall draw up, by the end of each semester, a report to ***the Council and the Commission*** on the activities of immigration liaison officers networks in which it has a representative and on the situation in host countries, in matters relating to illegal immigration.

1. The Member State holding the Presidency of the Council of the European Union or, if this Member State is not represented in the country or region, the Member State serving as acting Presidency shall draw up, by the end of each semester, a report to the ***Council, the Commission and Parliament*** on the activities of immigration liaison officers networks in which it has a representative and on the situation in host countries, in matters relating to illegal immigration.

Amendment 6  
Article 7, paragraph 3

3. The reports constitute an essential form of information for the preparation at the end of each Presidency of an evaluation report drafted by the Presidency in

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Amendment 7  
Article 7, paragraph 4

4. The Commission shall, on the basis of the abovementioned reports draw up a summary factual report which shall be submitted to the European Parliament and the Council before the end of each year. When presenting its summary factual report to *the Council* the Commission may make such proposals or recommendations as it deems appropriate concerning improving the information-liaison officer network and the existing situation in each third country.

4. The Commission shall, on the basis of the abovementioned reports draw up a summary factual report which shall be submitted to the European Parliament and the Council before the end of each year. When presenting its summary factual report to *Council and Parliament* the Commission may make such proposals or recommendations as it deems appropriate concerning improving the information-liaison officer network and the existing situation in each third country.