

Document made public on:

07 SEP 2020



EDOC #1040052-v4

Future Group on Travel Intelligence and Border Management Terms of Reference

1. Introduction

The European Border and Coast Guard Agency - FRONTEX and Europol have decided to jointly establish the 'Future Group on Travel Intelligence and Border Management'. This document presents the main characteristics of this group with a view to create a common understanding of its objectives, activities and composition. An outline for the planning of the group is attached as annex.

2. Background

A series of policy measures have been taken in recent years to reinforce border and migration management and address EU internal security gaps which are exploited by terrorists and criminals, as it emerged from the series of attacks and the migration crisis that affected the Member States.

These measures include enlarging the scope and improving the quality of registration of Third Country Nationals, the extended use of biometric data and the creation of a border or travel continuum with a combination of an Entry-Exit System, ETIAS and an extended Visa Information System. Connecting these measures is an overarching Interoperability framework that aims to ensure that the entire set of EU systems works coherently and offers easy access to information for law enforcement professionals.

The new, emerging information management architecture at EU level creates an environment where a diversity of competent authorities at national and international level will work. Moreover, it creates new work flows and business processes that bring existing professional disciplines (e.g. border and migration management; customs; criminal investigations) closer together and adds new entities with important roles in the overall functioning of security and border protection, such as ETIAS National Units and Central Unit.

While several initiatives are on-going to implement the new and revise the existing instruments, Europol and FRONTEX see a need to pro-actively bring the different professional disciplines at national and international level together to see how the new opportunities can be taken advantage of. This should allow for the identification of new ways of working together, for instance between investigative teams, border guards, migration management authorities and customs, and making optimal use of the information available to the different entities.

With this in mind, the Future Group is intended as the forum that brings together a diversity of experts from a range of professional domains from Member States as well as EU Agencies and Institutions to collectively design future operational cooperation models and possibly propose pilots to test new concepts.

3. Scope

The work of the Future Group should in principle reach across the entire spectrum from border and migration management to criminal investigation concerning the suspicious movements of persons and goods, with particular attention for the related information systems for borders and security. This should cover the use of border and migration management information in support of criminal investigations as well as the use of data from criminal investigations in support of border and migration management and customs enforcement in order to address the cooperation gap between these communities.

In particular, the opportunities stemming from the new border management and interoperability investments should be considered, combined with other information sources that are typical for the movements of persons and goods, such as Passenger Name Records (PNR), Advance Passenger Information (API) and Advance Cargo Information (ACI).

Aside from the attention for information management aspects to make optimal use of information available, the Future Group should also look at the operational cooperation in practice between the various competent authorities involved at national and EU or international level. Especially, the possibilities for multi-disciplinary cooperation across the investigations, criminal analysis, targeting of movements and border or migration management should be sought, identified and assessed. The work of this group will also look at the operational cooperation and coordination structures and arrangements in place and analyse the impact of the new or enhanced EU information systems including the underlying new legislation in particular related to interoperability.

4. Objectives

The work of the Future Group aims to achieve the following:

- Present an overview of the domains in which competent authorities involved in border and migration management, customs and criminal investigations can cooperate more closely together to better monitor the suspicious movements of persons and goods.
- Describe concrete use cases of how travel intelligence and border or migration management information available to competent authorities can be better shared and used to support and improve decision making by border or migration including visa officers as well as to prevent and detect cross-border crime or support criminal investigations and customs enforcement.
- Propose concrete pilots to test new concepts for multi-disciplinary cooperation in the use of travel intelligence and border management information.
- Identify possible weaknesses and gaps in legislation, policy, operational cooperation and coordination arrangements and competences that prevent or hamper effective law enforcement in the areas of security, justice, migration and borders focusing in particular on suspicious movements of persons and goods.

5. Relationship with other initiatives

While there are many developments on-going in relation to interoperability, border management and the processing of PNR data, the emphasis to date has been on the legal and system-specific aspects of recently adopted legal instruments. Various working groups have been established to coordinate the implementation of such instruments, taking into account the respective national and international dimensions.

The Future Group aims to complement that work by looking at the operational opportunities for the use of information and the cooperation between the parties involved. This orientation stretches across the different legal instruments to see how they can be used in combination with each other in the operational reality that those aim to serve.

Europol Unclassified – Basic Protection Level

It is possible that the Future Group comes across potential issues in the future handling or routing of border management information or in other aspects of the anticipated cooperation between competent authorities. The role and positioning of the group will remain informal and any decisions on how such issues would have to be resolved, will need to be taken within the formal structures of the Council and the Commission, respectively. These can be the responsible Working Parties, like DAPIX or FRONTIERS or the Experts Groups or Committees under the leadership of the Commission, such as the Expert Group on Information Systems for Borders and Security. The Future Group can formulate these anticipated issues and bring them to the attention of the formal entities concerned, possibly accompanied by suggestions for addressing those issues.

To enable coordination and avoid duplication with on-going activities in other fora FRONTEX and Europol will report on a regular basis to relevant Working Parties and other groups on the progress and discussions of the Future Group.

6. Expected outcomes

Eventually, the work of the Future Group should contribute to a better understanding of how the various initiatives to strengthen border and migration management and security are interlinked and can be used from an operational perspective. It should generate new ideas that optimise the use of available information and suggest synergies between the different competent authorities involved.

As such, it can offer direction for Member States and EU Agencies for a collective evolution in the years ahead, that brings the operational activities and orientation of the different professional disciplines closer together and more intertwined.

It may also lead to the identification of practical gaps and short-comings in the future system, which may be converted into policy recommendations and suggestions for complementary legislation.

7. Composition

To have meaningful discussions, the Future Group should be composed of a balanced mixture of representation that offers a sound combination of the various professional disciplines, types of competent authorities, geographic spread and areas of expertise.

This should result in a manageable group with participants from Member States, the European Commission, FRONTEX eu-LISA and Europol. It would have a competent representation covering the various relevant angles (border and migration management, investigation, customs, Passenger Information Units, future ETIAS National Units, International Cooperation Centres, etc.) to enable informed discussions on all aspects of the ecosystem and how it can work in practice.

With this in mind, FRONTEX and Europol have composed a list of experts for participation in the Future Group. This list, which will be regularly reviewed or updated, has been drawn up taking into account the competences and expertise needed in one or more of the following fields:

- Border control including EES, ETIAS & API;
- Visa, migration and asylum;
- Police cooperation: SIRENE, ENUs, NCB;
- Counter-terrorism / Internal Security;
- Criminal investigation including use of PNR data (PIUs);
- Information management;
- Customs;
- Carriers.

Europol Unclassified – Basic Protection Level

Based on the topics to be addressed at the individual workshops experts will be invited from the list, taking into account their domain-specific expertise, while also considering the geographic representation and multi-disciplinary composition of the group. So, the participants may differ from one workshop to the other, depending on the topics that are addressed.

8. Working method and arrangements

The overall coordination of the activities of the Future Group is jointly conducted by FRONTEX and Europol. This includes the preparation of meetings, the invitation of experts, the reporting on progress and developments and the production of any materials reflecting the results of the group.

The two Agencies will co-chair the meetings in an objective manner in the general interest of law enforcement cooperation at EU level. This does not prevent their respective (regular) experts from actively engaging in discussions, nor from delivering presentations or tabling proposals during the meetings.

The workshops will be held alternately at Europol and FRONTEX. The hosting agency is intending to fund the costs for travel and accommodation for experts from Member States.

Europol and FRONTEX will each report on a regular basis to their respective internal and external governance bodies and relevant stakeholder groups.

9. High-level roadmap

FRONTEX and Europol intend to organise around 5 to 6 workshops in the course of 2019 and early 2020. For each of these workshops the theme(s) will be decided in advance, to the extent possible also in consultation with the experts participating in the Future Group.

At least one workshop should focus on the border/travel continuum in general with specific attention for which data can be of relevance at which stage; which type of competent authorities should be involved and what decisions are to be taken. Especially, the complementarity of data sources and purposes they serve, should be discussed (e.g. (API and PNR data).

Furthermore, the possibilities of using the various types of travel and border management information to support criminal investigations is considered as a prominent theme.

Also the feedback loop between border management, targeting and investigations deserves thorough assessment in both directions.

In addition, the logistics related to the suspicious flows of crime related shipments are worth analysing, also taking into account their relationship with the movements of suspects.

It is the aim of FRONTEX and Europol to co-organise an international conference on travel intelligence and border management in the first quarter of 2020, at which can be presented. The intended audience will consist of representatives from the EU-wide community of border guards, police services, migration, customs agencies and relevant EU entities. The conference would serve as the forum to present and discuss the preliminary results of the Future Group.

At the closing workshop of the Future Group the feedback received at the referred conference can be used to finalise the concepts, proposals and recommendations before they are officially presented to the management of FRONTEX and Europol.

ANNEX: Timeline for the activities of the Future Group

25 & 26 September 2019	Workshop 1:	FRONTEX, Warsaw, Poland
21 & 22 October 2019	Workshop 2:	Europol, The Hague, The Netherlands
9 & 10 December 2019	Workshop 3:	FRONTEX, Warsaw, Poland
21 & 22 January 2020	Workshop 4:	Europol, The Hague, The Netherlands
18 & 19 February 2020	Workshop 5:	Location to be determined
19 & 20 February 2020	Conference on Travel Intelligence & Border Management; Location similar as for workshop 5	
24 & 25 March 2020	Workshop 6:	Location to be determined

PUBLIC
Document made public on:
07 SEP 2020