



**COUNCIL OF  
THE EUROPEAN UNION**  
**GENERAL SECRETARIAT**

**Brussels, 24 September 2010**

**CM 4701/10**

**JAI  
COSI  
FRONT**

**COMMUNICATION**

**REQUEST FOR CONTRIBUTION**

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Subject:           Implementation of measure 17 of the Council Conclusions of 25 February 2010  
                      on 29 measures for reinforcing the protection of the external borders and  
                      combating illegal immigration

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France and Italy have spoken on several occasions of the importance they attach to the effective implementation of the 29 measures adopted by the Council on 25 February 2010 to reinforce the protection of the external borders and combat illegal immigration.

They have shown their cooperation in this area both by coordinating their maritime patrols and by their decision to work together to keep track of the implementation of measure 17<sup>1</sup> designed to develop the "European Patrols Network (EPN) in order to generalise bilateral joint maritime patrols".

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<sup>1</sup> Measure 17: "*To request Frontex and the Member States concerned to further develop the European Patrols Network (EPN) in order to generalise bilateral joint maritime patrols, in particular between neighbouring Member States at the southern and eastern maritime borders, taking into account the experience gained on joint police patrols in the context of the Prüm Decision, and to ensure the full integration of the EPN in the EUROSUR network.*"

Although measure 17<sup>1</sup> is directed in particular to neighbouring Member States at the southern and eastern maritime borders, the principle of solidarity and fair sharing of responsibility in the integrated management of the external borders of the European Union, as reaffirmed by the Council on 25 February 2010, demands that protecting the external borders and combating illegal immigration be the business of all Member States and that the European Union provides the necessary coordination and support.

The implementation of measure 17 will begin by asking the Member States to fill in a questionnaire. The replies will give a better idea of the best practices in the Member States and of their national legislations, in particular with regard to innocent passage of ships or small vessels in Member States' territorial waters. Replies should be sent by e-mail, by 20 October at the latest, to the following addresses:

Council: [cosi@consilium.europa.eu](mailto:cosi@consilium.europa.eu)

France: [gilles.barbey@sgae.gouv.fr](mailto:gilles.barbey@sgae.gouv.fr);

Italy: [affari.ue@interno.it](mailto:affari.ue@interno.it);

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## Questionnaire for the Member States

1. Has your country participated or is it currently participating in:
  - (a) coordinated maritime patrols in the context of the EPN (European Patrols Network)? (number, country?),
  - (b) maritime patrol "joint operations" (Poseidon, Hermes, etc.)? Employing what resources?
  - (c) patrols off the coast of countries which are source or transit countries for illegal immigration flows (Senegal, Libya, Morocco, etc.)?
  
2. When participating in such operations do you employ military means?
  
3. What aspects of the EPN do you think could be improved?
  - (a) the way operations are carried out, from the legal and operational points of view?
  - (b) the consistency and complementarity of the various operations?
  
4. As regards nautical resources, do you think it desirable that:
  - (a) Frontex be given, directly or indirectly through secondment for specific periods, access to resources belonging to the Member States,
  - (b) coastal Member States be given support, specifically from the External Borders Fund (EBF)?
  
5. What is, or what do you envisage will be, the relationship between:
  - (a) National Coordination Centres (NCC),
  - (b) your National Coordination Centre and Frontex, and what in your view are the prospects for National Coordination Centres in terms of exchange of information?
  
6. Do you think that Frontex should have a greater role in exchange of intelligence on migratory flows and illegal networks?
  - (a) if so, how soon and by what means?
  - (b) if not, why not?

7. Do you think it desirable to adapt national law and approximate best practices as regards operations by one Member State in the territorial waters of another for the purposes of combating illegal immigration? Under what legal framework can the maritime resources of another Member State operate in your territorial waters?
  8. Would you be in favour of an early warning system between neighbouring Member States when EPN patrols are carried out?
  9. What types of patrol would you like to try out? Why?
  10. What types of patrol do you regard as unfeasible? Why?
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