



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 March 2013

**15906/1/12
REV 1**

LIMITE

**COSI 99
JAIEX 96
CORDROGUE 79
CRIMORG 127
COAFR 345
FRONT 152
COMIX 618**

NOTE

From:	Spanish Delegation
To:	JHA Counsellors/COSI Support Group
No.prev. doc	17064/11 COSI 88 JAIEX 118 CORDROGUE 77 CRIMORG 205 COAFR 323 FRONT 185 COMIX 759
Subject:	State of play of COSI project group implementing one of the "29 measures for reinforcing the protection of the external borders and combating illegal immigration": "Measure 4". FINAL REPORT

1. Background

The "Measure 4" Project Group led by ES has been tasked with launching practical actions that would help to implement the following measure of the Council Conclusions on 29 measures for reinforcing the protection of the external borders and combating illegal immigration¹.

The objective of this Project Group "Measure 4" is:

"To improve operational cooperation with third countries of origin and transit, in order to improve joint patrolling on land and at sea, upon consent of the Member State concerned, return, and collection and exchange of relevant information within the applicable legal framework, and other effective preventive measures in the field of border management and illegal immigration."

¹ See doc. 6975/10.

Spain took the leadership of the Project Group with the following participants: LV, PT, COM and Frontex. CY, FR, IT and MT joined the PG later (IT as a co-leader), following the closure of "Measure 17" Project Group, decided by FR and IT co-leaders in September 2011.

The first meeting of the project group took place in Madrid on 30 November 2010 with a triple aim: firstly, to inform all participants about the objectives (see doc. 11864/2/10); secondly, to open the discussion on the draft proposals and, thirdly, to prepare an action plan. The main proposals focused on a secured communication network in the Mediterranean area and on cooperation with third countries, to facilitate organisation of joint patrols. Finally, 7 proposals and 3 actions to implement them were presented to the COSI Support Group on 28 January 2011 (see DS 1052/11). COSI Support Group members were then regularly kept informed about the implementation of actions. An intermediate report was issued on (doc. 17064/11) and presented in COSI meeting on 8 December 2011.

2. State of play

The current state of play regarding the implementation of these proposals, stressing the further events that entail an update of the doc. 17064/11 is the following:

On 25-11-2011 France has signed Declaration partnership joining to the agreement reached on 7th July 2011 (see doc. 17064/11).

On 29-07-2012 Libya has signed a Declaration Partnership regarding participation in Seahorse Mediterraneo project.

On 6 September 2012 a PG meeting was held again in Brussels to agree the next steps.

The following agreements were reached: 6 countries, namely ES, PT, IT, MT, FR and CY signed a written agreement to present a project in the framework of EUROSUR with the support of COM, in order to build a secure network to exchange information on illegal immigration matters in the Mediterranean area. EL has been invited to join. ES, as Group leader has sent a formal invitation to EL to sign a partnership Declaration.

1. The basis for this agreement is that the regional centres of the network will be based in Italy and Malta. A compromise was reached on the use of a system compatible with the Seahorse network, which is already working successfully in the Atlantic. It was agreed to call this future network and project to be presented to the European Commission "Seahorse Mediterraneo". Participating MS accepted that Spain (Guardia Civil) will be the applicant to the European Commission.
2. COM expressed its willingness to support this initiative from Member States because of the added value of the project, which is totally in line with EUROSUR step 3. The project could be funded by External Borders Fund (Community Actions) and the Thematic Programme for cooperation with third countries (Europe Aid). COM explained that because of legal constraints, the thematic Programme could not fund any National Contact Point in MS including Italy and Malta, as foreseen initially, just the African NCPs.

So it was decided that the initiative will be presented as it was done in the PG meeting on 5 May 2011 (see doc. 17064/11), with some additional remarks:

- Project 1/ Thematic programme. 100% EU funds could be used to the benefit of third countries (Libya, and possibly Algeria, Egypt and Tunisia). Third countries will connect EUROSUR network through a number of MS National Coordination Centre including the so called MEBOCC and its back up. They could be invited to send Liaison Officers to develop their cooperation with EU countries. The MEBOCC could also be used as an International Coordination Centre during the implementation of joint patrols coordinated by Frontex. MEBOCC and its back up will be based in Italy and Malta in accordance with the principle of solidarity: these countries are in the middle of the Mediterranean and are also currently suffering the main problems related to this issue. Maritime training for third countries will be included as a part of the project.
- Project 2/ External Border funds (Community Actions). About 90% EU funds could be used for EU Mediterranean countries which want to join the network via National Contact Points (NCPs). To date CY, ES, IT, MT, FR and PT have signed a partnership declaration.

3. **A draft action fiche for the Seahorse Mediterranean network has been presented by ES and COM.** Member States have received it already when they were informed about it in the Development and Cooperation Instrument (DCI) Committee in early July and will now be formally consulted through written procedure as preliminary step to launch the project.
4. ES proposed installing two NCPs in Libya, namely Tripoli and Bengasi, as requested by the Libyan Coast Guard, due to the importance of Libya role in Central Mediterranean, and also the long coast of this Mediterranean country. This proposal was agreed by the COM and the participating MS.
5. Regarding the participation of other African countries, it was agreed to concentrate efforts on Tunisia. ES, IT and FR agreed to make a new visit to Tunisia in order to present again the initiative to the authorities of this country. ES will lead the visit. COM and the MS decided to launch the project by the beginning of 2013, even with the only participation of Libya (2 NCPs in Tripoli and Bengasi), due to the importance of the project for the development of EUROSUR step 3.

3. Evaluation

3.1 Effectiveness

The PG has achieved the main objectives pursued under measure 4 as regards giving a major boost to the implementation of MED SEAHORSE in order to:

- Establish a communication network similar to the one implemented in the SHAN (Seahorse Atlantic Network) between coastal countries, MS and third countries.
- Set up communication centres within the Coast Guard Services (or other relevant services) in coastal countries around the Mediterranean to address illegal immigration by sea, exchange information, and improve the effectiveness and coordination of the available resources

Through the project, targeted African countries will receive support to install and run at national level a technical system allowing each of them to exchange among themselves as well as with the border authorities of neighbouring Mediterranean Member States (in particular Spain, France, Portugal, Italy, Malta, Greece and Cyprus), in a secure and timely manner, information as regards illegal or suspect activities originating in or transiting through any of their respective countries and directed towards the others, or spotted by any of them within the international waters of the Mediterranean, as well as to organise a coordinated response to prevent it or to address its consequences.

3.2 Coherence

The activities developed by the project will take place in the framework of a broader initiative being implemented within the European Union, the **European Border Surveillance System (EUROSUR)**. This initiative was proposed by the Commission through its Communication (doc. 6665/08 FRONT 25 COMIX 144) of February 2008 and received the political support of the Council in June and February 2010 as well as from the European Council in June 2011. In December 2011, the Commission presented a draft Regulation for establishing EUROSUR as of 1 October 2013 (doc. 18666/11 FRONT 203 CODEC 2462 COMIX 849), which is currently being negotiated in the Council and the European Parliament. In parallel, Member States and Frontex are developing, testing and establishing the different envisaged components of EUROSUR at national and European level.

EUROSUR is aimed at establishing a common technical framework to support Member States' authorities, centrally coordinated and supported by FRONTEX, in reaching full situational awareness at the Southern and Eastern EU external borders and increasing the reaction capability of their border control authorities and national law enforcement authorities, [...] for the purpose of detecting, preventing and combating illegal migration and cross border crime and consequently contributing to better protecting and saving the lives of migrants. It is anticipated that an important factor contributing to the success of the EUROSUR system is cooperation with the border authorities of the third countries neighbouring the EU, in sharing information and coordinating reactions to common challenges. The approach proposed by the Commission through its Communication foresees the establishment of several regional networks of countries around the external border of the EU, each of them being composed both by some Member States and some of the third countries neighbouring the EU.

Within each regional network the participants would share information among them (with the Member States putting at the disposal of the third countries part of the regionally relevant information received via the EUROSUR system, and conversely feeding the database of the latter with the information received from third countries). By doing this, they would build up the capacity to address common challenges and to protect their respective security.

The Seahorse Mediterranean Network project aims at contributing to the development of one of the regional networks meant to flank the EUROSUR system so duplications are avoided.

When appropriate, at the request of any member state, COSI and other competent Council bodies will be informed by ES of the state of play of the Seahorse Mediterranean Network project.

4. Conclusion

It was proposed by ES and accepted by all the participating MS and COM to continue the works in the framework of EUROSUR. So, ES proposes to COSI to formally close PG Measure 4 and to continue the initiative as agreed.

Actions still to be continued	Deadline	Beneficiaries	Responsible	Partners	State of play	Results expected
1/ Thematic programme: Presentation of "Seahorse Mediterraneo" network project to COM in the framework of EUROSUR (action 3)	- 1 st half 2013	- Third countries: Libya (Tripoli and Bengasi) and possibly Tunisia, Algeria, Egypt,	- ES	PG members (CY, MT, PT,FR.IT) - COM	- Agreement at European level has been reached between CY, ES, IT, MT ,FR and PT - COM supports the project - Agreement has been reached with Libya. Replies from other third countries are expected	- Implementation of a secured communication network based on national contact points - Development of exchange of information between third countries and MS on illegal immigration by sea with a special focus on suspect ships and persons, via the network devoted to that matter

2/ External Border Funds: Presentation of "Seahorse Mediterraneo" network project to COM (action 3)	- 1 st half 2013	- MS: to date IT, MT, FR, CY, ES and PT	- ES with support of relevant MS	- COM - Frontex -Mediterranean MS	- Depending on third countries' replies and effective presentation of the project under the thematic programme (see action 1/)	- See above
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COM and MS have agreed to launch the project even with only the participation of Libya due to the importance of the initiative.