



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

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COMIX 321**

NOTE

From: Presidency
To: Standing Committee on operational cooperation on internal security (COSI)
No. prev. doc.: 6975/10 ASIM 33 FRONT 24 COMIX 158
Subject: Follow-up to the Council Conclusions on 29 measures for reinforcing the protection of external borders and combating illegal immigration

Introduction

At the JHA Counsellors/COSI Support Group meeting on 23 March 2010, delegations were invited to comment on the possible involvement of COSI in the implementation of the Council Conclusions on 29 measures for reinforcing the protection of the external borders and combating illegal immigration (doc. 6975/10).

It is generally agreed that COSI could provide for an added value in the implementation of these measures and should therefore be involved.

Comments were received from a number of delegations¹ regarding a possible COSI involvement in 14 out of the 29 measures (see annex).

¹ BE, BG, DE, EE, FR, LU, HU, NL and Cion

COSI's involvement should be limited to those measures that have implications in the field of internal security and can only take place with full respect to the provisions of the Council Decision setting up COSI (doc. 16515/09 POLGEN 201) and to the competences of other bodies, agencies and institutions.

The Presidency proposes to focus, in a first phase, on a limited number of measures. On the basis of the implementation report that the Commission will submit by the end of 2010, further COSI involvement can be decided upon.

Proposed measures

It is proposed that COSI is involved in the implementation of the following measures:

- regarding information exchange

Measure 6: To improve the collection, processing and systematic exchange of relevant information between FRONTEX, other EU Agencies and Member States.

Measure 12: To create a Common pre-frontier intelligence picture in order to provide the Coordination Centres with pre-frontier information provided by Member States, Frontex and third countries. To this end, the Council invites Frontex, in close cooperation with the Commission and the Member States to take the necessary measures to implement the study carried out by the Commission in 2009.

Measure 16: To encourage Member States to improve the sharing of information concerning the new modus operandi of networks involved in illegal immigration, trafficking in human beings and falsification of documents, and to improve the use of existing databases, including the False and Authentic Documents Online (FADO), thus promoting early detection of those criminal activities at borders and the exchange of best practices.

- regarding joint patrols

Measure 4: 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.

Measure 17: To request Frontex and the Member States concerned to further develop the European Patrols Network (EPN) in order to generalize 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.

It is understood that measure 15² will be implemented, on the one hand, as part of measure 6 and, on the other hand, as part of COSI's work on the priorities for the EU internal security.

COSI is invited to agree on this proposal.

Follow-up

On that basis, the COSI Support Group is invited to submit to the next COSI meeting concrete proposals for COSI's involvement in the above-mentioned measures.

Delegations are invited to indicate their willingness to participate in the elaboration and implementation of these proposals.

² "To ensure that the dismantling of these networks remains a high priority for action by Europol, Eurojust and Frontex as well as the systematic exchange of relevant information between these agencies."

List of measures proposed by Member States

Measure 2: BE, BG, LU

To encourage FRONTEX and Member States concerned to increase the effectiveness of the implementation of the financial measures targeted on operational activities and exploit all existing instruments, including the mechanism for the creation of Rapid Border Intervention Teams (RABIT) in situations of urgent and exceptional pressure, to combat illegal immigration.

Measure 3: FR, LU

To ask Member States to ensure that resources made available in the framework of the Central Register of Available Equipment (CRATE) can be used in concrete joint operations when needed.

Measure 4: BE, BG, DE, FR

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.

Measure 6: BE, BG, DE, FR, LU, NL, Cion

To improve the collection, processing and systematic exchange of relevant information between FRONTEX, other EU Agencies and Member States.

Measure 8: FR

To invite FRONTEX to develop, as part of its already comprehensive training programmes, an “Erasmus” type pilot programme for border guards in order to lay the foundation for a European culture of border guards of the Member States.

Measure 10: FR, LU

To call on the Member States to implement the phases and steps laid down for the development of EUROSUR as soon as possible, in order to reinforce cooperation and Member States' border surveillance capabilities. The Council invites the European Commission to report on EUROSUR progress on mid-2010.

Measure 11: FR, Cion until legislative proposals are presented on that field

To urge relevant Member States to establish or further develop a single national border surveillance system and a single national Coordination Centre. A network of national Coordination Centres, compatible with the FRONTEX Information System, and available on a 24/7 basis in real time, should be fully operational on a pilot basis as of 2011, involving as many Member States of the southern and eastern external borders as possible. The Commission is invited to present legislative proposals if necessary to consolidate the network of Member States by 2013.

Measure 12: BE, FR, NL, Cion

To create a Common pre-frontier intelligence picture in order to provide the Coordination Centres with pre-frontier information provided by Member States, Frontex and third countries. To this end, the Council invites Frontex, in close cooperation with the Commission and the Member States to take the necessary measures to implement the study carried out by the Commission in 2009.

Measure 13: BE

To encourage cooperation by neighbouring third countries in border surveillance. It is essential that within the territorial scope of EUROSUR and in the current financial framework, financial and logistic support from the European Union and its Member States be made available to the third countries whose cooperation could significantly contribute to controlling illegal immigration flows, in order to improve their capacity to manage their own borders

Measure 15: BE, BG, FR, LU, NL, Cion

To ensure that the dismantling of these networks remains a high priority for action by Europol, Eurojust and Frontex as well as the systematic exchange of relevant information between these agencies.

Measure 16: BE, BG, FR, LU, NL, Cion

To encourage Member States to improve the sharing of information concerning the new modus operandi of networks involved in illegal immigration, trafficking in human beings and falsification of documents, and to improve the use of existing databases, including the False and Authentic Documents Online (FADO), thus promoting early detection of those criminal activities at borders and the exchange of best practices.

Measure 17: BE, FR, NL

To request Frontex and the Member States concerned to further develop the European Patrols Network (EPN) in order to generalize 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.

Measure 20: BE, NL, Cion

With regard to the introduction of new technology at the external borders, to stress the need for further coordination, integration and rationalisation of the different types of checks and the need to ensure the interoperability of the systems concerned, and to use cost/benefit criteria for any decision on establishing new systems.

Measure 21: FR

To further develop the networks of immigration liaison officers posted by Member States in third countries and to enhance their coordination, cooperating with FRONTEX as necessary.

General comment HU:

COSI should deal with the development and gradual implementation of EUROSUR.

We believe that COSI is in an ideal position (sufficiently high level forum in the Council, with representatives responsible for operational measures) to oversee and stimulate the different phases and steps of the project. FRONTEX, COM and Member States reports can be channeled into COSI on a regular basis, where a clear picture of the actual situation could be formed. This would not only contribute to successful implementation, but also to transparency.