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NOTE

From: Polish delegation
To: JHA Counsellors / COSI Support Group

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Subject: Implementation of Council Conclusions on 29 Measures for reinforcing the protection of the external borders and combating illegal immigration: analysis of the replies to the questionnaire on "MS needs and capacities regarding Common Pre-Frontier Intelligence Picture (CPIP)"

In the context of the 29 measures for reinforcing the protection of external borders and combating illegal immigration (doc. 6975/10), the Project Group on Measure 12¹ led by Poland issued a questionnaire (CM 6157/10) to all MS in December 2010.

The purpose of this questionnaire was to facilitate further development of the EUROSUR Common Pre-frontier Intelligence Picture². Detailed feedback will be provided to the Commission (drafting the legislative proposal for the establishment of EUROSUR) and to FRONTEX (FRAN and expert group on the EUROSUR pilot project).

¹ Measure 12: "To create a common pre-frontier intelligence picture in order to provide the Coordination Centres with pre-frontier information provided by MS, Frontex and third countries. To this end, the Council invites Frontex, in close cooperation with the COM and MS, to take the necessary measures to implement the study carried out by the Commission in 2009"

² STEP 6 of the EUROSUR roadmap as outlined in the Commission Communication COM(2008)68 final of 13 February 2008

Delegations will find attached an analysis of the contributions which provides a concise overview of the numerous replies received by the Project Group³. It has the same layout as the original questionnaire.

The compilation of the replies is available in the addendum doc. 12542/11 ADD 1 JAI 483 COSI 53 FRONT 87 COMIX 445.

³ The following countries replied to the questionnaire: Belgium, Bulgaria, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain and Sweden. Denmark informed that they did not fill-in the questionnaire due to the fact that Denmark is not participating in the EUROSUR and the estimated illegal immigration to Denmark via non-Schengen air and sea borders is rather limited, whereas they do not have any non-Schengen green borders.

Questionnaire analysis:

Part I. Current use of "CPIP-type" information

1. **Please enumerate authorities in your country that use information from third-countries related to irregular migration and serious crime at the EU external borders and other CPIP-type information (see above) in their daily work.**
 - a) **What kind of information/data/analysis do they use?**
 - b) **What are the typical sources of information?**
 - c) **Do these authorities cooperate or work separately? What are the information flows? Is there an authority playing a leading role in this exchange?**
 - d) **For which purposes is the information used?**
 - e) **What is the frequency/regularity of information exchange? Is it ad hoc and/or regular reporting?**

The main authorities that use CPIP-type third-country information in most Member States are border guard and border police authorities, whose jurisdiction covers land or maritime border surveillance. In some MS border surveillance-related tasks are divided between a number of different authorities, among them customs services and investigation services. As a rule, they cooperate with each other in various forms, in accordance with national provisions.

- a) In general, national authorities using information related to irregular migration (and serious crime) at EU external borders are already collaborating with each other and are exchanging different types of information (strategic and operational) on a regular basis at national level. Most common types of information are: risk analysis, information on incidents/alerts, document alerts, information on aliens, statistics, reports, in some cases positioning information etc.
- b) There are different sources of information, the important ones including :
 - Bilateral or regional cooperation (e.g. via bilateral agreements, border delegate organisation , regional organisations, visits, projects, seminars, conferences)
 - Liaison Officers
 - open sources
 - networks and databases
 - ship reporting systems
 - other authorities
 - international organizations and institutions

c) As a rule, the authorities cooperate with each other. The structures vary from MS to MS, and in some cases there is no leading authority.

At international level, this is done on a case- by- case basis or depending on the nature of the information itself and the legal limitations in place.

d) This exchange is mainly used to produce risk analyses, to improve border surveillance and for crime- prevention purposes in some cases. It also helps to improve cooperation with third countries.

e) It happens most of the time on a regular basis and, for some particular cases, on an ad hoc basis. Ad hoc exchange often supplements the existing regular exchange.

2. How do these activities meet your existing information needs regarding the situation in third countries/security environment?

Only half of the respondents declare themselves satisfied that their information needs regarding the situation in third countries are currently met.

Some MS reported that not all their needs are met. The main challenges were irregular information exchange with third countries, general nature of the information as well as, in some cases, its insufficient quality. However, when liaison officers are present and/or bilateral agreements are signed, the situation is reported as being more satisfactory. A general improvement is still pointed out as being necessary by a majority of MS.

3. Please describe the placement of your National Coordination Centre (NCC) in this information exchange system. Could you describe the current involvement of your NCC in these information flows?

Slightly more than a half of the MS which replied to the questionnaire reported having an NCC in place or a structure successfully performing NCC functions, pending establishment of the framework for an actual NCC soon. When a National Coordination Centre (NCC) is set up, it is usually a focal point for most national authorities dealing with border issues. This allows them to play a central role in the information exchange process.

A smaller number of MS reported not currently having an NCC or to be just in the early stages of the process of building the (legislative and/or practical) framework for such a centre .

4. Concerning involvement of your Member State in the preparations for the EUROSUR Pilot Project, does the range of information types that are referred to in the Incidents Catalogue of the EUROSUR data model meet the need to reflect strategic and operational risks in situational awareness?

MS are satisfied with the current "Incidents Catalogue" at this stage. Some of them underlined the necessity to consider this catalogue as a living document. Their perception is that operational needs will further increase in the future and the scope of the catalogue should thus be open to extension in the future.

5. Can you name and describe shortly current national/international projects aimed at establishing the pre-frontier intelligence picture?

Numerous projects are currently contributing to establishing a Pre-frontier Intelligence Picture. There are at least as many examples as respondents. EU projects like MARSUNO, BLUEMASSMED, SEAHORSE or MARSUR are quoted along with several regional and national projects at MS level. Their aim is oriented towards better communication channels, information exchange, expertise sharing, joint patrols, etc. Such projects are generally considered as helpful tools.

Part II. The role of Member States

- 6. In the framework of CPIP, could you please specify:**
- a) which information/data you would need to receive?**
 - b) which information/data you would be ready to share?**
 - c) which information/data you could consider to exchange, but there are some kinds of technical or legal barriers? (What are they?)**
 - d) which information/data you would exchange only with particular (similar?) authorities?**
 - e) which information/data you would certainly not exchange?**

In the framework of CPIP, a huge majority of MS pointed to operational information and strategic key information as essential elements to receive. Basic geographical data and knowledge base products are quoted only afterwards and receive less attention.

All the respondents demonstrated a readiness to exchange the maximum variety of information (within legal limitations). The most common barrier relates to personal data and privacy legislation. Sensitive information was also pointed to as subject to certain limitations, including sensitive information of a military nature. It is widely accepted that statistical and general operational elements should be exchanged as much as possible. More specific and case-related elements might be communicated for "law -enforcement use only" or with formal authorization from judicial authorities. A "need- to- know" principle as well as the preferred voluntary character of the exchange was also mentioned.

According to a substantial number of respondents, classified information should not be included in this process.

7. Is there a need for classified information exchange? If so, which type of classified information would it be?

Opinions are quite divided on the necessity of exchanging classified information. Some MS agree with the principle and trust the EUROSUR network capacities while others are much more reserved on the subject. The ongoing cases and proceedings, and the personal information about suspects, are the most common topics where authorities are very careful about data exchange.

8. Which part of the above information/categories are already managed/used at your Member State level? By whom? How much of its exchange is centralized in the NCC?

Central units of police and border agencies are frequently mentioned as responsible for the information management. Customs and migration authorities are also in charge for some MS. Not all respondents find it appropriate to aim at too much centralization of information exchange.

9. What are the most common sources of exchangeable information?

Open sources and statistical data are the most common sources of exchangeable information. Other statistical data play an important role. Southern sea border MS also point to information from imagery provided by the sea border surveillance systems.

10. At what frequency/regularity and when would the different types of information be needed? At what delays (ad hoc/after what time)? In which format?

There is a wide consensus on the necessity of exchanging operational information, as much as possible in close-to--real-time and in electronic format. The statistical / strategic reports, provided on a regular basis and with a fixed periodicity depending on the content, come second.

Other types of information like geographical data or intelligence products should be obtained on an ad hoc basis or on request.

11. Are there any specific areas of your interest (geographical areas/countries)?

All MS quote the countries of origin and transit for illegal migration into EU, together with "pre-frontier areas / countries". Africa, Mediterranean maritime areas, Western Balkans, the Caucasus and the Eastern sections of the EU's external borders (especially the neighbouring countries like Russia, Belarus, Ukraine and Moldova) are the most frequently- quoted regions / continents. Then, down the list, come Asia, Atlantic Ocean and Latin America. .

12. Who are the intended recipients of CPIP information in your State in the future?

Apart from the NCC, are there more units/services planned to be involved (both internally and externally)? Are they new communities when it comes to exploitation of CPIP-type information? How do this/these possible new communities ‘match’ with or relate to those already making use of such information?

According to the replies, the authorities involved in border management should receive CPIP information in the future. These are mainly police / border guards, customs, army / defence forces, immigration authorities, foreign affairs department, etc.

13. And how do the recipients of CPIP information relate to the communities working closely with different Frontex units such as FRAN, FOSS, NFPOCs and other networks? What kind of tasks and competences do they have and for which purposes would they be using the information/analysis?

Most of the time, CPIP and FRONTEX issues both come under the border guard/border police umbrella. They thus create the link with the other recipients of CPIP information, respecting their various competences. An added value is seen in giving members of these networks access to some of the exchanged information according to need.

14. How would you place, in this structure the role of EU Member State Liaison Officers in third countries?

MS all consider the liaison officers as very important actors in third countries. They are an important, if not crucial, source of information. Several respondents suggested that this kind of information (described as "close to the source") should certainly feed the CPIP process. The general opinion is that they should provide information via the home country's authorities.

Part III. The role of Frontex:

15. Can you describe your expectations regarding the role of Frontex and its input in monitoring security environment/pre-frontier area/third countries?

FRONTEX has an obvious role in risk analysis (and related reporting). Many MS mentioned a central role in information collection and analysis while a significant number of them suggested that FRONTEX could also host (and issue) high- resolution satellite images of border areas. Analysis of open sources by Frontex was mentioned as useful. It was also pointed out that Frontex's role is to support MS, but not manage them. Some MS pointed out the importance of the role of FRONTEX in the context of joint operations.

16. What type of content should Frontex make available? Please specify what kind of information services, analytical products etc. it should provide.

A great demand exists for FRONTEX to produce more risk analyses oriented towards the future and not only based on past observations. The examples given include the issuance of alerts / tactical warnings and tailored risk analysis based on new emerging threats. Also, daily FSC reports are underlined as valuable, and there are hopes for the future provision of satellite imagery by Frontex (as in Q15).

17. What type of sources should be covered by Frontex?

Many examples were given of sources which should be covered by FRONTEX. The most quoted ones, in descending order, are: open sources, information coming from third countries, information from international actors (like Europol, UN, Interpol, etc.), satellite images and reconnaissance technology.

18. At what frequency – regular updates or when needed/ad hoc?

Combination of regular and ad hoc reporting depending on the product. The “need- to -know” basis was mentioned.

19. Are there any specific areas of interest (geographical areas/countries) that you would point out as the ones that Frontex should focus on more?

MS unanimously quoted the main routes of illegal migration and the pre-frontier areas as the focus of particular interest for FRONTEX. Some suggestions were made for a tailored approach and/or analysis made in relation to a particular circumstance or at the specific request of one MS.
