



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 August 2012

12905/12

**Interinstitutional File:
2011/0427 (COD)**

LIMITE

FRONT 112

CODEC 1975

COMIX 457

OUTCOME OF PROCEEDINGS

of: Working Party on Frontiers/Mixed Committee
(EU-Iceland/Liechtenstein/Norway/Switzerland)

on: 19 July 2012

No. Cion prop.: doc. 18666/11 FRONT 203 CODEC 2462 COMIX 849

Subject: Proposal for a Regulation of the European Parliament and of the Council
establishing the European Border Surveillance System (EUROSUR)

At its meeting on 19 July 2012, the Working Party on Frontiers/Mixed Committee carried out the third reading of the above proposal. The text of the Presidency proposal as submitted for the purpose of the third reading set out in doc. 11853/12 FRONT 107 CODEC 1765 COMIX 406 is reproduced in the Annex. Delegations' comments are set out in footnotes.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL¹

Establishing the European Border Surveillance System (EUROSUR)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(d) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The establishment of a European Border Surveillance System (hereinafter referred to as 'EUROSUR') is necessary in order to strengthen the information exchange and operational cooperation between national authorities of Member States as well as with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union established by Council Regulation (EC) No 2007/2004 of 26 October 2004² (Frontex), hereinafter referred to as 'the Agency'. EUROSUR (...) provides these authorities and the Agency with the infrastructure and tools needed to improve their situational awareness and reaction capability when detecting and preventing (...) **illegal** migration and cross-border crime as well as protecting and saving lives of migrants at the external borders of the Member States of the Union.
- (2) Member States (...) establish national coordination centres (...) to improve the cooperation and information exchange **for border surveillance** between them and with the Agency. It is essential for the proper functioning of EUROSUR that all national authorities with a responsibility for external border surveillance under national law (...) cooperate via national coordination centres.
- (3) This Regulation should not hinder Member States from making their national coordination centres also responsible for coordinating the information exchange and cooperation with regard to the surveillance of air borders and for checks at border crossing points.

¹ **The Presidency** concluded that where Member States did not comment by objecting the Presidency's new proposals, these amended provisions could be considered as accepted.

² OJ L 349, 25.11.2004, p. 1.

- (4) This Regulation forms part of the European model of integrated border management of the external borders and of the Internal Security Strategy of the European Union. EUROSUR also contributes to the development of the Common Information Sharing Environment for the surveillance of the EU maritime domain (CISE), providing a wider framework for maritime situational awareness through information exchange among public authorities across sectors in the Union.
- (5) According to point (i) of Article 2 (1) of Regulation 2007/2004, the Agency **shall (...)** provide the necessary assistance to the development and operation of EUROSUR, and, as appropriate, to the development of CISE, including interoperability of systems.
- (6) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, notably¹ human dignity, prohibition of torture and inhuman or degrading treatment or punishment, right to liberty and security, right to the protection of personal data, non-refoulement, non-discrimination and rights of the child. This Regulation should be applied by Member States **and the Agency** in accordance with these rights and principles.
- (7) Any exchange of personal data using the communication network for EUROSUR should be conducted on the basis of existing national and Union legal provisions and should respect their specific data protection requirements. The Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data², Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data³ and, in the framework of police and judicial cooperation, the Council Framework Decision 2008/977/JHA 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters⁴ are applicable in cases in which more specific instruments, such as Regulation (EC) No 2007/2004, do not provide a full data protection regime.
- (7a) This Regulation is without prejudice to existing and future legislation on access to documents adopted in accordance with Article 15(3) TFEU.**
- (8) Since the establishment of EUROSUR cannot be sufficiently achieved by Member States alone and can therefore, by virtue of the scale and impact of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty of the European Union. In accordance with the principle of proportionality this Regulation does not go beyond what is necessary in order to achieve its objective.

¹ NL suggested adding "the right to life,".

² OJ L 281, 23.11.1995, p. 31.

³ OJ L 8, 12.1.2001, p. 1.

⁴ OJ L 350, 30.12.2008, p. 60.

- (9) In order to implement a gradual geographical roll-out of EUROSUR, the obligation to designate and operate national coordination centres should apply in **two (...)** successive stages, first to the Member States located at the southern (...)and (...) eastern (...) external borders **of the Union and**, at a second stage to the remaining Member States (...).
- (10) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, as annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is therefore not bound by it or subject to **its** application (...). Given that this Regulation builds upon the Schengen *acquis*, under Title V of Part Three of the Treaty on the Functioning of the European Union, Denmark shall, in accordance with Article 4 of that Protocol, decide within six months after adoption of this Regulation whether it will implement it in its national law.
- (11) This Regulation constitutes a development of provisions of the Schengen *acquis*, in which the United Kingdom is not participating, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*¹. The United Kingdom is therefore not taking part in **the** adoption of this Regulation and is not bound by it or subject to **its** application (...).
- (12) This Regulation constitutes a development of provisions of the Schengen *acquis*, in which Ireland is not participating, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*². Ireland is therefore not taking part in adoption of this Regulation and is not bound by it or subject to **its** application (...).
- (13) As regards Iceland and Norway, this Regulation constitutes a development of provisions of the Schengen *acquis*, as provided for by the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*³.
- (14) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen *acquis*, as provided for by the Agreement between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*⁴.

¹ OJ L 131, 1.6.2000, p. 43.

² OJ L 64, 7.3.2002, p. 20.

³ OJ L 176, 10.7.1999, p. 36.

⁴ OJ L 53, 27.2.2008, p. 52.

- (15) As regards Liechtenstein, this Regulation constitutes a development of provisions of the Schengen *acquis*, as provided for by the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*¹.
- (16) **The implementation of this Regulation (...) is without prejudice to the division of competence between the Union and the Member States, and does not affect obligations of Member States under the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, the International Convention on Maritime Search and Rescue, the United Nations Convention against Transnational Organised Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention relating to the Status of Refugees, the Convention for the Protection of Human Rights and Fundamental Freedoms and other relevant international instruments.**
- (17) **The implementation of this Regulation does not affect the rules for the surveillance of sea external borders in the context of operational cooperation coordinated by the Agency, as laid down in Council Decision 2010/252/EU of 26 April 2010².**
- (18) **Geographic information such as maps, geographic coordinates and geo-data should be in line with Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE).**

¹ OJ L 160, 18.6.2011, p. 19.

² OJ L 111, 4.5.2010, page 20.

HAVE ADOPTED THIS REGULATION:

TITLE I
GENERAL PROVISIONS

Article 1¹

Subject matter

This Regulation establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and **to increase the reaction capability when detecting and preventing illegal migration and cross-border crime (...)** at the external borders of the Member States and of the European Union, hereinafter referred to as the European Border Surveillance System (EUROSUR).²

Article 2

Scope

1. This Regulation shall apply to the surveillance of land and sea external borders of the Member States, including (...) monitoring, detection, identification, tracking, prevention and interception of illegal border crossings **in the EUROSUR framework**.
2. This Regulation shall not apply to (...) procedural and legal measures taken **during and** after interception.
3. Member States and the Agency shall comply with fundamental rights, including data protection requirements, when applying this Regulation. They shall give priority to the special needs of children, victims of trafficking, persons in need of urgent medical assistance, persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation.

¹ **DE** entered a scrutiny financial reservation.

² **SE** maintained its reservation on the Article. **NL** proposed replacing the text of the Article with the following "This Regulation establishes a common framework for the exchange of information and cooperation between Member States and the Agency in order to improve the situational awareness and to increase the reaction capability at the external borders of the Member States and of the European Union, hereinafter referred to as the European Border Surveillance System (EUROSUR) when detecting and preventing illegal migration and cross-border crime as well as contributing in protecting lives of migrants." **SE, FI** and **NO** proposed reinstating the reference on protecting the lives of migrants. **FR, IT** and **EL** were against reintroducing the reference on protecting the lives of migrants. **Cion** was in favour of reintroducing the reference on protecting the lives of migrants but explained that this could not be misunderstood as constituting a legal base for search and rescue matters, which are already regulated under the SOLAS Convention.

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'situational awareness' means the ability to monitor, detect, identify, track and understand cross-border activities in order to find reasoned grounds for **reaction (...)** measures on the basis of combining new information with existing knowledge;
- (b) 'reaction capability' means the ability to perform actions aimed at countering illegal **migration and cross-border crime (...)** **at, along or adjacent to the external borders¹** **(...)**, including the means and timelines to react adequately to unusual circumstances²;
- (c) 'situational picture' means a graphical interface to present **near** real-time data **and** information **(...)** received from different authorities, sensors, platforms and other sources, which is shared across communication and information channels with other authorities in order to achieve situational awareness and support the reaction capability along the external borders and the pre-frontier area;
- (d) 'cross-border crime' means any serious³ **(...)** crime **with a cross border dimension** committed at, **(...)** **along or adjacent to** the external borders of Member States⁴;
- (e) 'external border section' means the whole or a part of the external land or sea border of a Member State as defined by national legislation or as determined by the national coordination centre or any other responsible national authority;
- (f) 'pre-frontier area' means the geographical area beyond the external border of Member States_(...).
- (fa) '**crisis situations**' means **any natural and/or (...)** **man-made disasters, accidents and any other (...)** **serious incident (...)** **occurring at, (...)** **along or adjacent to the external borders of Member States (...)**, which may have a **significant impact on the control⁵** of the external borders.

¹ **EL** suggested that the wording "along or adjacent" is confusing and should be deleted through this Article. **MT** proposed replacing "adjacent to" with "in the proximity of" through this Article. **The Presidency** concluded that MT proposal could be supported by a large majority of delegations.

² **IT** asked for clarification.

³ **SI**, supported by **DE** and **NL**, proposed deleting "serious" and adding a list of examples of crimes in the Handbook instead. **Cion** was in favour of keeping "serious" and of adding a list of examples of serious crimes in the Handbook.

⁴ **NL** withdrew its reservation on this provision.

⁵ **ES** and **PT** suggested replacing "control" with "surveillance". **Cion** was not in favour of that proposal, because a crisis situation in the pre-frontier area leading to a mass influx might impact both border checks and border surveillance measures.

TITLE II
FRAMEWORK
CHAPTER I
Components

Article 4

EUROSUR framework

1. For the exchange of information and cooperation in the field of border surveillance **and, without prejudice to existing information exchange and cooperation mechanisms,** Member States and the Agency shall use the **EUROSUR** framework, consisting of the following components:
 - (a) national coordination centres (...);
 - (b) national situational pictures;
 - (c) communication network;
 - (d) European situational picture;
 - (e) common pre-frontier intelligence picture;
 - (f) common application of surveillance tools.
2. The national coordination centres shall provide the Agency via the communication network with (...) the information from their national situational pictures which is required for the establishment and maintenance of the European situational picture and of the common pre-frontier intelligence picture.
3. The Agency shall give the national coordination centres via the communication network unlimited access to the European situational picture and to the common pre-frontier intelligence picture.
4. The components listed in paragraph 1 shall be established and maintained in line with the principles outlined in the annex.

Article 5

National Coordination Centre

1. Each Member State (...) shall designate, operate and maintain a National Coordination Centre (...), which shall coordinate and exchange information between all authorities with a responsibility for external border surveillance at national level as well as with the other national coordination centres and the Agency. The Member State shall notify the establishment of the centre to the Commission, which shall forthwith inform the other Member States and the Agency.
2. Without prejudice to Article 16, the national coordination centre shall be the single point of contact for the exchange of information and cooperation with other national coordination centres and with the Agency **in the EUROSUR framework**.
3. The national coordination centre shall *inter alia*:
 - (a) ensure the timely information exchange and **contribute to the** cooperation between all national authorities with a responsibility for external border surveillance and with (...) law enforcement (...) authorities at national level as well as with other national coordination centres and the Agency;
 - (b) contribute to an effective and efficient management of resources and personnel **in accordance with national law**;
 - (c) establish and maintain the National Situational Picture in accordance with Article 9;
 - (d) support the planning and implementation of (...) national border surveillance activities;
 - (e) **coordinate** (...) the national border surveillance system, (...) in accordance with national law;
 - (f) **contribute to** (...) regularly **measuring** the effects of national border surveillance activities;
 - (g) coordinate operational measures with other Member States, without prejudice to the competences of the Agency **and of the other¹ Member States**.
4. The national coordination centre shall operate twenty four hours a day and seven days a week.

¹ **FR** proposed deleting "the other". **Cion** was in favour of that proposal. **The Presidency** concluded that this proposal could be supported by the delegations.

Article 6
The Agency

1. The Agency shall
 - (a) **establish (...) and maintain** the communication network for EUROSUR in accordance with Article 7;
 - (b) establish and maintain¹ the European situational picture in accordance with Article 10;
 - (c) establish and maintain² the common pre-frontier intelligence picture in accordance with Article 11;
 - (d) **coordinate (...)** the common application of surveillance tools in accordance with Article 12.
2. For the purposes of paragraph 1, the Agency shall operate twenty four hours a day and seven days a week.³

Article 7
Communication network

1. The Agency shall establish⁴ and maintain⁵ a communication network in order to provide communications and analytical tools and allow for the (...) exchange of non-classified sensitive and classified information **in a secured manner and** in near real time with and between the national coordination centres. The network shall be operational twenty four hours a day and seven days a week and allow for:
 - (a) bilateral and multilateral information exchange in near real time;
 - (b) audio and video conferencing;

¹ NL proposed adding "and contribute".

² NL proposed adding "and contribute".

³ EL suggested clarifying that the cost for the common application of surveillance tools should be entirely covered by Frontex, by adding a new paragraph "3. For the purpose of paragraph 1, the Agency shall undertake the expenses related to the common application of surveillance tools as well as the operational expenses for the EUROSUR Network." Cion was not in favour of that proposal and explained that for implementing the different national and European components of EUROSUR, there is an effort to make best use of different EU funding programs and sources, as the External Borders Fund, the Internal Security Fund, Frontex, GMES, DCI. Cion noted that current attempts are under way at EU level to secure an appropriate budget for the common application of surveillance tools under GMES for 2014-2020. So, limiting the funding sources for the European components of EUROSUR to Frontex, as proposed by EL, would be highly counterproductive as no other available EU funding sources could be used. Finally, Cion stressed that the issue of funding could not be regulated in the framework of the EUROSUR Regulation.

⁴ EL proposed adding "operate".

⁵ EL suggested adding "and cover the operational expenses of".

- (c) secure handling, storing, **transmission and** processing of non-classified sensitive information;
 - (d) secure handling, storing, transmission and processing of EU classified information up to the level of RESTREINT UE/EU RESTRICTED or equivalent national classification levels, ensuring that classified information is handled in a separate and duly accredited part of the communication network.
2. The Agency shall provide technical support and ensure that the communication network is interoperable with any other **relevant** communication and information system managed by the Agency.
 3. The Agency and the national coordination centres shall exchange, process and store non-classified sensitive and classified information in the communication network in compliance with rules and standards which apply the basic principles and common standards of (...) Commission Decision 2001/844/EC amending its internal Rules of Procedure¹.
 4. Member States' authorities, agencies and other bodies using the communication network shall ensure that equivalent security rules and standards² as those applied by the Agency are complied with for the handling of classified information.

CHAPTER II

Situational Awareness

Article 8

Situational pictures

1. The national situational pictures, the European situational picture and the common pre-frontier intelligence picture shall be produced through the collection, evaluation, collation, analysis, interpretation, generation, visualisation and dissemination of information (...).
2. The pictures referred to in paragraph 1 shall consist of the following layers:
 - (a) an events layer, containing information on incidents concerning (...) **illegal** migration, cross-border crime and crisis situations (...).
 - (b) an operational layer, containing information on the status and position of own assets **and** areas of operation, **without prejudice to the legal limitations based on national law** and environmental information;
 - (c) an analysis layer, containing strategic information, analytical products, intelligence³ as well as imagery and geo-data.

¹ OJ L 317, 3.12.2001, p.1.

² NL asked clarifying "standards" in the Handbook.

³ FR suggested deleting "intelligence". Cion was not in favour of this proposal and proposed replacing "intelligence" with "analysed information". FR entered a scrutiny reservation on the Cion's proposal.

Article 9

National Situational Picture¹

1. The national coordination centre shall establish and maintain a national situational picture, in order to provide all authorities with responsibilities in (...) control² of external borders (...) at national level with effective, accurate and timely information which is relevant for the prevention of (...) **illegal** migration and **combating** cross-border crime³ (...) at the external borders of the Member State concerned.⁴
 2. The national situational picture shall be composed of information collected from (...) sources **such as**:
 - (a) national border surveillance system (...) in accordance with national law;
 - (b) stationary and mobile sensors operated by national authorities with a responsibility for external border surveillance;
 - (c) patrols on border surveillance and other monitoring missions;
 - (d) local, regional and other coordination centres;
 - (e) other relevant national authorities and systems;
 - (f) the Agency;
 - (g) national coordination centres in other Member States and in third countries;
 - (ga) (...) bilateral or multilateral agreements and regional networks as referred to in Articles 18 and 18a⁵;
- (...);

¹ SE maintained its reservation on this Article.

² FR suggested replacing "control" with "surveillance".

³ RO proposed amending the provision as "...the prevention and combating of illegal migration and cross-border crime (...) at the external borders of the Member State concerned." **The Presidency** concluded that this proposal could be supported by a large majority of delegations.

⁴ MT commented that the National Situational Picture should not be shared with all other Member States. **Cion** explained that the MT concern was covered by referring to Articles 10(2)(a) and 9(9), which clearly limit the information flow from the National Situational Picture to the European Situational Picture as well as to the National Situational Pictures of neighbouring Member States.

⁵ RO proposed adding "if these agreements and networks allow to share the information, in accordance with Articles 18 and 18a".

- (i) ship reporting systems **within their given legal limitations** (...) ¹;
- (j) other relevant European and international organisations.

(...)

3. The events layer of the national situational picture shall consist of the following sub-layers:

- (a) a sub-layer on (...) **illegal** migration, which (...) contains information on incidents concerning illegal border crossings of migrants **and** occurring at, **along or adjacent to** ² the external borders of the Member State concerned (...), on facilitations of **illegal** (...) border crossings and on any other relevant (...) **illegal** migration incident, such as a search and rescue ³ mission for persons attempting to cross the border illegally.
- (b) a sub-layer on cross-border crime, which (...) contains information on incidents concerning (...) any (...) serious (...) crime (...) **with a cross border dimension** at, **(...) along or adjacent to** the external borders of the Member State concerned (...);
- (c) a sub-layer on crisis situations, which (...) contains information with regard to natural and man-made disasters, accidents and any other crisis situation occurring at (...) the external borders of the Member State concerned **or nearby**, which may have a significant impact on the control of the external borders;
- (d) a sub-layer on other events, which (...) contains information on unidentified and suspect **(...)(...) craft or other means of transportation** and persons present at, **(...) along or adjacent to** the external borders of the Member State concerned (...), as well as any other event which may have a significant impact on the control of the external borders;

4. **The national coordination centre shall attribute a single indicative impact level, ranging from 'low' and 'medium' to 'high' impact to each incident in the events layer of the national situational picture (...). All events (...) to which a 'medium' to 'high' impact level is attributed shall be shared with the Agency.**

¹ DE asked clarifying this provision in relation to the issue of data protection.

² EL suggested that the wording "along or adjacent" is confusing and should be deleted through this Article.

³ MT proposed deleting "search and rescue".

5. The operational layer of the national situational picture shall consist of the following sub-layers:
- (a) a sub-layer on own assets (...) **and operational areas (...)**, which (...) contains information on position, time¹, (...) status and type of own assets, (...) patrol schedules **and the authorities involved (...)**; where own assets are deployed on a multi-task mission which includes military tasks, the national coordination centre can decide not to share such information with other national coordination centres and the Agency (...)²;
 - (b) (...)
 - (c) a sub-layer on environmental information, which (...) contains or give access to information on terrain and weather conditions at the external borders of the Member State concerned.
- 5a. The information on own assets in the operational layer shall be classified as EU Restricted.**
6. The analysis layer of the national situational picture shall consist of the following sub-layers:
- (a) an information sub-layer, which (...) contains key developments and indicators relevant for the analysis of (...) **illegal** migration and cross-border crime.
 - (b) an analytical sub-layer, which (...) **includes** analytical reports, risk rating trends, regional monitors and briefing notes **on illegal migration and cross border crime**, relevant for the concerned Member State;
 - (c) an intelligence (...) sub-layer, which (...) contains **analysed information on illegal migration and cross border crime relevant for the attribution of (...)** the impact levels (...) to the external (...) border sections **such as migrant profiles, routes** and facilitation analysis.
 - (d) an imagery and geo-data sub-layer, which (...) **includes** reference imagery, background maps, intelligence validation (...), change analysis (earth observation imagery) as well as change detection, geo-referenced data and border permeability maps.
7. The information contained in the analysis layer and on environmental information in the operational layer of the national situational picture may be based on the information provided in the European situational picture and in the common pre-frontier intelligence picture.

¹ RO suggested deleting "time".

² EL suggested adding "Information related to own assets contributing to the establishment of the national/European situational picture, shall only be provided to those Member States that are participating in a joint operation and only for the operational area of that operation."

8. (...)
9. The national coordination centres of neighbouring Member States shall share with each other directly and in near real time the situational picture of neighbouring external border sections relating to:

¹incidents concerning (...) **illegal** migration and cross-border crime and other significant events contained in the events layer.

(...)

9a The national coordination centres of neighbouring Member States may share with each other directly and in near real time the situational picture of neighbouring external border sections relating to:

- (a) the positions of own patrols contained in the operational layer, when the primary mission of the patrol is to prevent (...) **illegal** migration and cross-border crime;
- (b) the planning schemes, schedules and communication codes² for the following day of patrols operating in the neighbouring external border sections³;
- (c) **tactical risk analysis reports as contained in the analysis layer.**

(...)⁴

¹ SE proposed adding "significant".

² MT asked clarifying "communication codes".

³ RO suggested adding "in accordance with the provisions of national legislation".

⁴ LV proposed adding a new paragraph "10. Neighbouring Member States mutually participate in the process of prevention threats within the framework of EUROSUR in accordance with concluded bilateral cooperation agreements or if received a request for assistance from neighbouring Member States NCC. In cases where the Member States have not concluded an agreement on cooperation in the framework of EUROSUR, each Member State shall eliminate the threat through its resources and carrying out the coordination of joint activities using EUROSUR."

Article 10

European Situational Picture¹

1. The Agency shall establish and maintain a European situational picture in order to provide the national coordination centres with information and analysis which is relevant ²for the prevention of (...) **illegal** migration and **combating** cross-border crime (...) at the external borders of the Member States.
2. The European situational picture shall be composed of information collected from (...) sources **such as**:
 - (a) national situational pictures **as authorised by the national coordination centre (...)**;
 - (b) the Agency;
 - (c) other relevant **Union (...) agencies, bodies** and international organisations **as referred to in Article 17**;

(...)
3. The events layer of the European situational picture shall include information relating to:
 - (a) incidents regarding (...) **illegal** migration and cross-border crime as well as crisis situations and (...) other events contained in the events layer of the national situational picture, which have been assigned with a medium or high impact level by the national coordination centre;
 - (b) incidents regarding (...) **illegal** migration and cross-border crime as well as crisis situations and other events contained in **the Common Pre-Frontier Intelligence Picture, which have been assigned with a medium or high impact level by the Agency (...)**;
 - (c) incidents regarding (...) **illegal** migration and cross-border crime in the operational area of a joint operation coordinated by the Agency.
4. In the European situational picture the Agency shall (...) **take into account** the impact level that was assigned to a specific incident in the national situational picture by the national coordination centre.

¹ SE maintained its reservation on this Article.

² RO proposed amending the text as "the prevention and combating of (...) illegal migration and cross-border crime (...) at the external borders of the Member State concerned". **The Presidency** concluded that this proposal could be supported by a large majority of delegations.

5. The operational layer of the European situational picture shall consist of the following sub-layers:
- (a) a sub-layer on own assets, which shall contain information on the position, time, (...) status and type of assets participating in the Agency joint operations or at the disposal of the Agency, and the deployment plan, including the area of operation, patrol schedules and communication codes;
 - (b) a sub-layer on (...) operations, which shall contain information on the joint operations coordinated by the Agency, including the mission statement, location, status, duration, information on the Member States and other actors involved, daily and weekly situational reports, statistical data and information packages for the media;
 - (c) a sub-layer on environmental information, which shall include information on terrain and weather conditions at the external borders of the Member States.

5bis. The information on own assets in the operational layer of the European situational picture shall be classified as EU Restricted.

6. The analysis layer of the European situational picture shall consist of the following sub-layers:
- (a) an information sub-layer, which shall contain key developments and indicators relevant for the analysis of (...) **illegal** migration and cross-border crime;
 - (b) an analytical sub-layer, which shall (...) **include (...) analytical reports**, risk rating trends, regional monitors **and** briefing notes **on illegal migration and cross border crime (...)**;
 - (c) an intelligence (...) sub-layer, which shall contain **analysed information on illegal migration and cross border crime relevant for the attribution of (...)** the impact levels (...) to the external (...) border sections **such as migrant profiles, routes** and facilitation analysis.
 - (d) an imagery and geo-data sub-layer, which shall (...) **include** reference imagery, background maps, intelligence validation (...), change analysis (earth observation imagery) as well as change detection, geo-referenced data and border permeability maps.
7. (...)

Article 11

Common Pre-Frontier Intelligence Picture¹

1. The Agency shall establish and maintain a common pre-frontier intelligence picture in order to provide the national coordination centres with information and analysis on the pre-frontier area which is relevant for the ²prevention **and combating (...) illegal** migration and **(...) cross border** crime **(...)** at the external borders of the Member States and in neighbouring third countries.
2. The common pre-frontier intelligence picture shall be composed of information collected from **(...)** sources **such as**:
 - (a) national coordination centres, **including information and reports provided ³by Member States' liaison officers (...)⁴**;
 - (b) **(...)**
 - (c) the Agency, **including information and reports provided by Frontex liaison officers**;
 - (d) other relevant European and international organisations;
 - (e) third countries;
 - (ea) (...) bilateral or multilateral agreements and regional networks as referred to in Articles 18 and 18a, as authorised by the national coordination centres;**
 - (...)**
3. The common pre-frontier intelligence picture may contain information which is relevant for air border surveillance **(...)** and checks at border crossing points.
4. The events, **operational and analysis** layers of the common pre-frontier intelligence picture shall **be structured in the same manner as in the European Situational Picture (...)**.

¹ SE maintained its reservation on this Article. NL withdrew its reservation on this Article.

² RO suggested amending the text as "...for the combating and prevention of illegal migration and cross border crime...".

³ DE suggested a compromise proposal by adding "and if authorised". Cion was in favour of this compromise proposal.

⁴ FR supported by ES, PT, DE and AT, proposed deleting "including information and reports provided by Member States' liaison officers;". Cion was in favour of maintaining the addition and explained that the information should be transmitted from the liaison officers to the National Coordination Centres via the appropriate national channels and from the National Coordination Centres to the Agency via the EUROSUR communication network. Cion stressed that the information coming from the liaison officers is crucial for EUROSUR. NL supported the Cion and proposed to have this addition as a separate provision. FI and RO were in favour of the Cion position.

5. The Agency shall assign a single indicative impact level to each incident in the events layer of the common pre-frontier intelligence picture. The Agency shall inform the national coordination centres on any incident in the pre-frontier area (...).

6. (...)

7. (...)

Article 12

Common application of surveillance tools

1. The Agency shall **coordinate** (...) the common application of **available** surveillance tools, (...) in order to supply the national coordination centres and itself with surveillance information on the external borders and on the pre-frontier area on a regular, reliable and cost-efficient basis¹.
2. The Agency **shall** (...) provide a national coordination centre upon **its** request with information on the external borders of the requesting Member State and on the pre-frontier area which is derived from:
 - (a) selective monitoring of designated third country ports and coasts which have been identified through risk analysis and intelligence² as embarkation or transit points for vessels **and/or craft** used for (...) **illegal** migration **or** (...) cross-border crime;
 - (b) tracking of a vessel **and/or craft** over high seas which is suspected of or has been identified as being used for (...) **illegal** migration **or** (...) cross-border crime³;
 - (c) monitoring of designated areas in the maritime domain in order to detect, identify and track vessels **and/or craft** suspected of or used for (...) **illegal** migration **or** (...) cross-border crime;
 - (d) environmental assessment of designated areas in the maritime domain and at the external land border in order to optimise monitoring and patrolling activities;
 - (e) selective monitoring of designated pre-frontier areas at the external (...) borders, which have been identified through risk analysis and intelligence as potential departure or transit areas for (...) **illegal** migration **or** (...) cross-border crime.

¹ EL commented that the cost for the common application of surveillance tools should be entirely covered by the Agency.

² FR suggested deleting "intelligence".

³ EL proposed adding "The provision of long range identification and tracking of ships (LRIT) data, should be subject to the consent of the Flag State concerned."

3. The Agency **shall** (...) provide the information referred to in paragraph 1 by combining and analysing data collected from the following systems, sensors and platforms:
 - (a) ship reporting systems within their given legal limitations (...);
 - (b) satellite imagery;
 - (c) sensors mounted on any **craft or other means of transportation** (...), including manned and unmanned aerial vehicles.
4. The Agency may refuse a request from a national coordination centre on the basis of technical and financial limitations as well as for other justified **operational** reasons. **The Agency shall notify in due time the national coordination centre with the reasons for such a refusal.**
5. The Agency may use on its own initiative the surveillance tools referred to in paragraph 2 for collecting information which is relevant for the common pre-frontier intelligence picture.

Article 12a

Processing of personal data

1. **The National Situational Picture may be used for processing personal data in accordance with Directive 95/46/EC¹, Council Framework Decision 2008/977/JHA and the national legislation².**
2. **The European Situational Picture and the Common Pre-Frontier Intelligence Picture shall (...) not be used for processing personal data:**
 - (a) **except for the [names or] registration numbers of vehicles, vessels³ and other craft, which shall be processed in accordance with Regulation (EC) No 45/2001⁴, Directive 95/46/EC and Council Framework Decision 2008/977/JHA, and**
 - (b) **to the extent allowed by Article 11c of Regulation (EC) No 2007/2004.**

¹ OJ L 281, 23.11.1995, p. 31.

² NL proposed reformulating the provision as "1. To the extent that the establishment and maintenance of the NSP involves the processing of personal data, this shall be done in accordance with Directive 95/46 and national legislation." DE suggested replacing "national legislation" with "relevant national provisions on data protection."

³ FR asked for clarification.

⁴ OJ L 8, 12.1.2001, p. 1.

CHAPTER III
Reaction Capability

Article 13

Determination of external border sections¹

For the purpose of this Regulation, each Member State shall divide its external land and sea borders into border sections (...) **which shall be notified to the Agency.**

Article 14

Attribution of impact levels to external border sections²

1. Based on the Agency's risk analysis and (...) **in agreement with** the Member State concerned, the Agency shall attribute **or change** the following impact levels to each of the external land and sea border sections of Member States:
 - (a) low impact level in case the incidents related to (...) **illegal migration or** (...) cross-border crime occurring at the border section in question have an insignificant impact on border security;
 - (b) medium impact level in case the incidents related to (...) **illegal migration or** (...) cross-border crime occurring at the border section in question have a moderate impact on border security;
 - (c) high impact level in case the incidents related to (...) **illegal migration or** (...) cross-border crime occurring at the border section in question have a significant impact on border security.
2. The national coordination centre shall regularly assess whether there is a need to **change** (...) the impact level of any of the border sections **by taking into account the information contained in the national situational picture. The Agency in agreement with the Member State concerned shall change the impact level accordingly. (...)**
3. The Agency shall visualise (...) the impact levels attributed to the external borders in the European situational picture.

¹ **EL** maintained its substantial reservation but noted that the Presidency's proposal goes into the right direction. **FI** was in favour of the Presidency's proposal.

² **SE** was in favour of the Presidency's proposal but maintained its reservation for parliamentary reasons.

Article 15

Reaction corresponding to impact levels¹

1. The Member States shall ensure that the surveillance (...) activities carried out at the external border sections correspond to the attributed impact levels in the following manner²:
 - (a) where a low impact level is attributed to an external border section, the **national authorities with a responsibility for external border surveillance** (...) shall (...) ensure that **surveillance activities are on a sufficient level of (...) readiness for tracking, identification and interception;**
 - (b) where a medium impact level is attributed to an external border section, the national **authorities with a responsibility for external border surveillance shall be notified by the national coordination center and shall ensure that additional³ surveillance activities are being taken at the affected border sections; when taking those additional measures the national** coordination centre shall **be notified accordingly(...)**;
 - (c) where a high impact level is attributed to an external border section, **the Member State via** the national coordination centre⁴ shall ensure that the **concerned national authorities with a responsibility for external border surveillance operating at the concerned external border section (...) are** given **the (...) necessary support at national level (...)**; the **Member State (...)** may also request the Agency for support in accordance with the provisions of Regulation (EC) No 2007/2004.
2. **When a Member State requests the support of the Agency, pursuant to point (c) of paragraph 1,** the national coordination centre shall **as soon as possible** inform the Agency about the measures taken at national level (...).
3. Where a medium or high impact level is attributed to an external border section which is adjacent to the border section of another Member State or a third country **with which relevant bilateral or multilateral agreements are in place,** the national coordination centre shall (...) **contact (...) the national coordination centre of the neighbouring Member State or the competent authority** of the neighbouring⁵ country **in order to coordinate the necessary cross border measures.**

¹ DK and FI were in favour of the Presidency proposal. SE maintained its reservation for parliamentary reasons.

² MT asked clarifying paragraph 1 regarding the responsibilities to be assigned and suggested adding a relevant explanation in the Handbook.

³ EL proposed deleting "additional". PL and SE suggested replacing "additional" with "sufficient".

⁴ NL suggested deleting "via the national coordination centre". Cion was not in favour of this proposal, because the national coordination centre is supposed to play a central role in coordinating the reaction measures when a high impact level has been attributed to a border section.

⁵ PL proposed adding "third".

4. Where a **Member State (...)** submits a request according to point (c) of paragraph 1, the Agency (...) **shall** support that **Member State (...)** in particular by:
- (a) giving priority treatment for the common application of surveillance tools;
 - (b) coordinating the deployment of European Border Guard Teams in accordance with Regulation (EC) No 2007/2004;
 - (c) ensuring the deployment of technical equipment at the disposal of the Agency in accordance with Regulation (EC) No 2007/2004;

(...)

5. The Agency shall evaluate **together with Member States** the attribution of impact levels and the corresponding measures taken at national and Union level in its risk analysis reports.

TITLE III SPECIFIC PROVISIONS

Article 16

Allocation of tasks to other authorities (...) in the Member States

1. Member States may entrust regional, local, functional or other (...) **authorities**, which are in the position to take operational decisions, with ensuring the situational awareness and reaction capability in the respective area of competence, including the tasks and competences referred to in points (b), (d) and (e) of Article 5(3).
2. The decision of the Member State referred to in paragraph 1 shall not affect the national coordination centre in its ability to cooperate and exchange information with other national coordination centres and the Agency.
3. In pre-defined cases **as determined at national level** the national coordination centre may authorise **an authority (...)** referred to in paragraph 1 to communicate and exchange information with the regional (...) **authorities** or the national coordination centre of another Member State or third country on condition that it regularly informs its own national coordination centre about the communication and information exchange.

Article 17

Cooperation of the Agency with third parties

1. The Agency (...) **may** make use of existing information, capabilities and systems available in other (...) **Union agencies, Union bodies and international organisations (...)**, within the respective legal frameworks.
2. In accordance with paragraph 1, the Agency (...) **may** cooperate in particular with the following **Union agencies, Union bodies (...), and international organisations:**
 - (a) European Police Office (Europol) (...) in order to exchange information on cross-border crime to be included in the European Situational Picture¹;
 - (b) the EU Satellite Centre, the European Maritime Safety Agency and the European Fisheries Control Agency when providing the common application of surveillance tools;
 - (c) the European Commission and (...) **Union** agencies which can provide the Agency with information relevant for maintaining the European Situational Picture and the Common Pre-Frontier Intelligence Picture;
 - (d) international organisations which can provide the Agency with information relevant for maintaining the European Situational Picture and the Common Pre-Frontier Intelligence Picture.
- 2a. **In accordance with paragraph 1, the Agency may cooperate with the Maritime Analysis and Operations Centre - Narcotics (MAOC-N) and the Centre de Coordination pour la lutte antidrogue en Méditerranée (CeCLAD-M) in order to exchange information on cross-border crime to be included in the European Situational Picture.**
3. Information between the Agency and the (...) **Union agencies, Union bodies and international organisations** referred to in paragraphs 2 and 2a shall be exchanged via the network referred to in Article 7 or other communication networks which fulfil the criteria of availability, confidentiality and integrity.
4. The cooperation between the Agency and the (...) **Union agencies, Union bodies and international organisations** referred to in paragraphs 2 and 2a shall be regulated in working arrangements in accordance with Regulation (EC) No 2007/2004 and the respective legal basis of (...) **the Union agency, Union body or international organisation**. As regards the handling of classified information, these arrangements shall provide that the (...) **Union agencies, Union bodies and international organisations (...)** concerned comply with equivalent security rules and standards as those applied by the Agency.

¹ DE suggested deleting this provision.

5. The **Union** agencies and **Union bodies (...)** referred to in paragraphs 2 and 2a may use information received in the context of EUROSUR within the limits of their legal framework and in compliance with fundamental rights, **including data protection requirements.**

Article 18

Cooperation with neighbouring third countries

1. ¹The exchange of information and cooperation with neighbouring third countries on preventing (...) **illegal** migration and cross-border crime may take place on the basis of bilateral or multilateral agreements between one or several Member States and one or several neighbouring third countries concerned. The national coordination centres of the Member States shall be the contact point for the exchange of information between the network referred to in Article 7 and ² the (...) neighbouring third countries **within EUROSUR.**³
2. Any exchange of information under paragraph 1 of this Article and under point (...) ga) of Article 9 (2), which **provides** a third country (...) **with** information **that could be used** to identify persons or groups of persons who are under a serious risk of being subjected to torture, inhuman and degrading treatment or punishment or any other violation of fundamental rights, shall be prohibited.
3. Any exchange of information under paragraph 1 of this Article and under point (...) ga) of Article 9(2) shall be done in compliance with the conditions of the bilateral and multilateral agreements concluded with neighbouring third countries.
4. Prior approval of any other Member State, which provided information in the context of EUROSUR and which is not part of any of the agreements referred to in paragraph 1 and of the networks referred to in point (...) ga) of Article 9(2), shall be required before that information can be shared with any third country under that agreement or network; **notwithstanding the above, if at the time of providing a particular information in the context of EUROSUR a Member State has expressed that this information should not be exchanged with any third country, the Member States and the Agency shall be bound by this request.**⁴

¹ **ES**, supported by **FR**, proposed adding "For the purpose of this Regulation". **Cion** was not in favour of this proposal, because the limitation to EUROSUR has already been inserted in the 2nd sentence of this paragraph.

² **SE** suggested deleting "between the network referred to in Article 7 and" and adding "with". **Cion** was in favour of this proposal.

³ **EL** proposed amending this provision as "The exchange of information and cooperation with neighbouring third countries on preventing (...) illegal migration and cross-border crime (...) shall be regulated in working arrangements between the third countries and FRONTEX in accordance with Regulation (EC) No 2007/2004. The national coordination centres of the Member States shall be the contact point for the exchange of information between the network referred to in Article 7 and the (...) neighbouring third countries within EUROSUR."

⁴ **SE** suggested deleting "notwithstanding the above, if at the time of providing a particular information in the context of EUROSUR a Member State has expressed that this information should not be exchanged with any third country, the Member States and the Agency shall be bound by this request". **FR** was in favour of maintaining the Presidency's proposal.

5. Any exchange of information with third countries (...) derived from service for the common application of surveillance tools is subject to the legislation and rules governing those tools and systems as well as to the relevant provisions of Directive 95/46/EC and Regulation (EC) No 45/2001¹.

New Article 18bis

Cooperation with the UK and Ireland²

1. The exchange of information and cooperation with the United Kingdom and Ireland on preventing illegal migration and cross-border crime at the external borders may take place on the basis of bilateral or multilateral agreements between the United Kingdom and Ireland and one or several (...) Member States. (...) The national coordination centres of the Member States shall be the contact point for the exchange of information between the network referred to in Article 7 and the United Kingdom and Ireland, without prejudice to any existing agreements.
2. The agreements referred to in paragraph 1 shall include provisions on financial costs arising from the participation of the United Kingdom and Ireland in the implementation of those agreements.

¹ FR proposed adding "and Framework Decision 2008/977/JHA of 27 November 2008".

² ES expressed legal and practical doubts on the entirety of this Article and addressed the issue of the selective participation of UK and IE in EUROSUR. ES commented that this participation should take place on an equal footing basis and maintained its substantial reservation on this Article and all other Articles that refer to Article 18bis. FR asked CLS to clarify why the UK and IE are not included in Article 18 together with third countries. The CLS explained that providing a separate Article is a matter of drafting and is more appropriate because some provisions on third countries will not per se apply to UK and IE. In no way does this affect the status of UK and IE in the Regulation. UK asked the Presidency on the reasons for the deletion of the phrase on the agreements with neighbouring third countries and requested to maintain the previous text. The Presidency explained that the new text has been drafted to address concerns of some delegations in the last meeting and promised to present a new compromise text.

3. **Prior approval of any other Member State, which provided information in the context of EUROSUR and which is not part of any of the agreements referred to in paragraph 1, shall be required before that information can be shared with the United Kingdom and Ireland under that agreement.**

Article 19

Handbook¹

The European Commission shall, in close cooperation with the Member States and the Agency, make available a Practical Handbook for the implementation and management of EUROSUR (hereinafter 'Handbook'), providing technical and operational guidelines, recommendations and best practices. The European Commission shall adopt the Handbook in the form of a recommendation.²

Article 20

Monitoring and (...) reporting

1. The Agency **and the Member States concerned**, shall ensure that procedures are in place to monitor the technical and operational functioning of EUROSUR against the objectives of achieving an adequate situational awareness and reaction capability at the external borders.
2. The Agency shall submit a report **to the Commission and Member States** on the functioning of EUROSUR on 1 October 2015 and every two years thereafter.³
3. The Commission shall provide an overall **report on (...) EUROSUR** to the European Parliament and the Council on 1 October 2016 and every four years thereafter. This **report (...) shall include the (...) results** achieved against objectives and an **overall view (...)** of the continuing validity of the underlying rationale, the application of this Regulation in the Member States and by the Agency, and the compliance with fundamental rights. That **report (...)** shall be accompanied, where necessary, by appropriate proposals to amend this Regulation.
4. Member States shall provide the Agency with the information necessary to draft the report referred to in paragraph 2. The Agency shall provide the Commission with the information necessary to produce the **(...) report** referred to in paragraph 3.

¹ NL withdrew its reservation on this Article. PL maintained its reservation on this Article.

² SI commented that the Handbook should be ready by the time EUROSUR is implemented. Cion, supported by IT, explained that the content of the Handbook depends on the input provided by Member States and Frontex and it would be too optimistic to considering it adopted before the Regulation enters into force.

³ FR proposed adding "This report shall be classified as RESTREINT UE/EU RESTRICTED."

Article 21

Entry into force and applicability

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. This Regulation shall apply from 1 October 2013.
3. Article 5(1)¹ shall apply to the Member States located at the southern (...) and eastern (...) external borders of the Union (Bulgaria, Cyprus, Estonia, Finland, France, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovak Republic, Slovenia and Spain) from 1 October 2013.²
4. Article 5(1) shall apply to the remaining Member States (...) as from 1 October 2014.³

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament
The President*

*For the Council
The President*

¹ As regards Croatia the Presidency in consultation with the CLS and the Commission suggests the following:

1) If the accession of Croatia takes place before the adoption of the Eurosur regulation, then Croatia can be listed among the Member States in Article 21(3).

2) However, if the accession of Croatia will not take place before the adoption of the Eurosur regulation, a recital should be introduced which would be along the lines:

"As regards Croatia, this Regulation constitutes a provision of the Schengen acquis within the meaning of article 4 (1) of the Act of accession. Given that Croatia is located at the southern external border of the EU, Croatia should be included among the Member States referred to in article 21(3)."

In addition, based on the Treaty of accession, the Commission would propose a technical adaptation of Article 21 (3) to include Croatia among the Member States in Article 21 (3).

² **SI** proposed adding a new provision "4a. Article 5(1) shall not apply to Slovenian land border with Croatia." **The CLS** reiterated its position and explained that its text proposed constitutes a standard solution.

³ **CZ** maintained its scrutiny reservation on this provision.

Annex

The following principles shall be taken into account when setting, operating and maintaining the different components of the EUROSUR framework:

- (a) *Principle of communities of interest¹*: The national coordination centres and the Agency shall form particular communities of interest for sharing information and cooperation in the framework of EUROSUR. Communities of interest shall be used to organise different national coordination centres and the Agency to exchange information in pursuit of shared objectives, requirements and interests.
- (b) *Principles of coherent management and of using existing structures*: The Agency shall ensure the coherence between the different components of the EUROSUR framework, including providing guidance and support to the national coordination centres and promoting the interoperability of information and technology. To the extent possible, the EUROSUR framework shall make use of existing systems and capabilities. In this context, EUROSUR shall be established in full compatibility with the initiative for a Common Information Sharing Environment for the surveillance of the EU maritime domain (CISE), thereby contributing to and benefit from a coordinated and cost-efficient approach for cross-sectoral information exchange in the Union.
- (c) *Principles of information sharing and of information assurance*: Information made available in the EUROSUR framework shall be available to all national coordination centres and the Agency, unless specific restrictions have been laid down or agreed upon. The national coordination centres shall guarantee the availability, confidentiality and integrity of the information to be exchanged at national, (...) European **and international** level. The Agency shall guarantee the availability, confidentiality and integrity of the information to be exchanged at European **and international** level.
- (d) *Principles of service-orientation and of standardisation*: The different EUROSUR capabilities shall be implemented using a service-oriented approach. The Agency shall ensure that, to the extent possible, the EUROSUR framework is based on internationally agreed standards.
- (e) *Principle of flexibility*: Organisation, information and technology shall be designed to enable the EUROSUR stakeholders to react to changing situations in a flexible and structured manner.

¹ **FR** reiterated its position that information should be exchanged on the need to know principle and voluntary exchange of information within the same community.