

Comprehensive security through integrated border management
Discussion paper
Informal Meeting of the Justice and Home Affairs Ministers of the EU
(20 January 2011, Gödöllő)

The European Union, its institutions and the Member States have promoted and provided stability and security for the EU citizens over the last 50 years. Since the establishment of the area of freedom, security and justice, Justice and Home affairs have developed as one of the most dynamic policies in the Union. In the spirit of bringing the Union closer to its citizens, the creation of the Schengen Area with the elimination of internal border controls is one of the most tangible and perceivable results of EU membership. Schengen enlargement in 2007 and 2008 has shifted the physical location of the Schengen external borders. Removal of checks at internal borders makes the controls at external borders crucial, since one Member State is responsible for carrying out the checks on behalf of other Schengen countries. The management of external borders has become a community interest in which the Parliament, the Commission and all Member States have their important role to play.

In line with the Stockholm Programme, the Union must continue to facilitate legal access to the territory of its Member States while in parallel take measures to counteract irregular immigration, cross-border crime and maintain a high level of security.

With the Lisbon Treaty, the EU is better placed to exploit synergies of existing tools and strengthen coherence. Based on a wide and comprehensive concept of security and recognising the interdependence between internal and external security, this is highly reflected in the Internal Security Strategy adopted under the Spanish Presidency. The Internal Security Strategy reaffirms that for the citizens of the EU, security is one of the main priorities. When tackling trafficking in human beings, smuggling of persons and goods as well as preventing terrorism, which were identified as common threats in the Strategy, border management plays an important role. According to the Commission Communication on the "EU Internal Security Strategy in action: five steps towards a more secure Europe" adopted

under the Belgian Presidency, border security is identified as one of the five strategic objectives for internal security that also requires more coherent action. It is confirmed that migration management and the fight against crime are the twin objectives of the integrated border management concept.

1. Integrated Border Management

The concept of an Integrated Border Management (IBM) involves both security and facilitation aspects. It requires effective control mechanisms and the use of tools based on flows towards and into the EU to meet the common challenge of facilitating the movement of legitimate travellers and goods while maintaining secure borders based on the common rules and standards. Furthermore, full respect of fundamental rights shall be guaranteed.

Under the Finnish Presidency of the EU, the Council agreed on a common definition of the IBM.

The major pillars are as follows:

- Border control including border checks and surveillance as well as risk analysis,
- Detection and investigation of cross border crime,
- The four-tier access control model based measures in third countries, cooperation with neighbouring countries, border control, and control measures within the Schengen area
Inter-agency cooperation,
- Development of border related policy and legislation.

The Stockholm Programme called for the further development of the integrated border management approach, including through reinforcing the role of FRONTEX. Outlined in recent strategic documents, a number of initiatives are on the table or envisaged to be elaborated so as to shape the second generation of the EU's Integrated Border Management strategy for the common external borders.

Border control authorities are nowadays faced with finding the proper balance between facilitating freedom of movement and ensuring security. Border security and the free movement of people are two issues which cannot be treated separately in the European Union. Furthermore, border security has to ensure full respect of human rights and the protection of persons in need of international protection.

The search for new tools to manage controls at the external borders and provide security in an area of free movement, the need for greater integration at the external borders and the compensating need for greater cooperation in the interior space have proceeded simultaneously, but at different paces. Increasing passenger flows, evolving threats and risks and the enlargement of the Schengen area has required a rethinking of how the external borders of the EU can best be protected. All Member States have to have a shared vision on the future of the IBM to enhance mutual trust among Member States in the European Union. The future IBM vision and strategy needs to take into account the lessons learnt in the past, threats and risks identified as well as the current policies.

Questions:

Which pillar do the Ministers consider that needs to be better addressed in the future?

Which pillar is the most challenging one?

Which of the pillars of the integrated border management approach now need to be focussed on if the border management objectives of the Internal Security Strategy are to be met?

2. The use of modern technologies

The objectives set out in the Stockholm Programme have paved the way for a substantial increase in the level of activity of the European Union in the field of IBM. Over the next years, Member States will be called to implement existing legislative and non-legislative instruments in this field, as well as to participate in the introduction of new instruments.

In February 2008, the European Commission presented a comprehensive vision for an integrated European border management system for the 21st century which promoted facilitating border checks for frequent, pre-screened third country travellers while enhancing security. In its Conclusions of June 2008, the Council welcomed the Commission's Communications on the future development of the FRONTEX, on preparing the next steps in border management in the European Union, and on examining the creation of EUROSUR. The Council has even reaffirmed the need for better management of external borders with better use of technology, in particular to maintain a high level of security and effectiveness

against irregular immigration while facilitating border crossings for EU nationals and frequent third country travellers. Moreover, it was confirmed that further development of a coherent overall concept of the integrated management of the external borders should continue.

In the Stockholm Programme, the European Council invited the Commission to present proposals for an Entry/Exit System (EES) and a fast track Registered Traveller Programme (RTP). It also called upon the Commission to prepare a study on the possibility and usefulness of developing a European system of travel authorisation and, where appropriate, to make the necessary proposals; and to continue to examine the issue of automated border controls.

As a next step, in a legislative package soon to be presented, the European Commission envisages to adopt proposals on a Registered Traveller Programme (RTP) and an Entry/Exit System (EES) by mid 2011, with a view to the systems becoming operational in 2015.

Questions:

What should be the guiding principles and major cornerstones the Ministers consider to be taken into account when elaborating on the new technologies? What are the preferences, expectations and where do they see concerns?

How can we maximise synergies with systems under development and/or planned to save costs, and promote efficiencies?

3. The Schengen evaluation mechanism

Undoubtedly, effective implementation of the Schengen acquis and the developments building thereupon is still one of the foundations of our efforts to guarantee internal security and a comprehensive policy to manage external borders. The Stockholm Programme underlined this by declaring that the evaluation mechanism Member States have put in place in order to monitor how they implement the common standards “will continue to play an important role in the future and it should be improved by strengthening the role of Frontex in this field”.

How exactly the current evaluation mechanism should be improved, and what role Frontex should play in it now needs to be worked out. The European Commission, after discussions

on previous legislative initiatives, has very recently presented a new proposal to establish an evaluation mechanism to verify the application of the Schengen acquis – a proposal which would result in fundamentally transforming current practices of Schengen evaluation. There seems to be general understanding that the efficiency of the evaluation process needs improvement, Member States are studying their proposed role in the new mechanism based on comitology.

Moreover, as a logical step, the verification of the absence of control at the internal borders would be introduced into the new mechanism, which is an important new element.

The proposal is subject to co-decision procedure, and discussions with the EP have not yet started.

Questions:

What are Ministers' views on the main elements of the proposed new mechanism to verify the implementation of the Schengen acquis?

What are the main issues the discussions in the Council should focus on? (e.g. Frontex's role, the new division of roles based on comitology)