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**COVER NOTE**

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from: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 26 November 2010

to: Mr Pierre de BOISSIEU, Secretary-General of the Council of the European  
Union

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Subject: **Commission Staff Working document on the fulfilment of the 29 measures  
for reinforcing the protection of external borders and combating illegal  
immigration adopted at the Justice and Home Affairs Council meeting,  
held on 25 and 26 February 2010**

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Delegations will find attached Commission document SEC(2010) 1480 final.

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EUROPEAN COMMISSION

Brussels, 26.11.2010  
SEC(2010) 1480 final

**COMMISSION STAFF WORKING DOCUMENT**

**on the fulfilment of the 29 measures for reinforcing the protection of the external borders and combating illegal immigration adopted at the Justice and Home Affairs Council meeting, held on Brussels on 25 and 26 February 2010**

## 1. Background

The European Union has always placed particular attention on identifying measures aimed at reinforcing the protection of the external borders and combating irregular immigration ever since the establishment of common policies in this regard.

However, in the course of 2009, in particular following the increasing pressure of mixed migratory flows along the Southern borders of the European Union, even greater attention started to be placed by the European Union on these issues.

Specific conclusions were adopted by the Justice and Home Affairs Council on 3 June 2009, and by the European Council of 19 June and 30 October 2009. The utmost importance of these issues was also underlined and more detailed proposals were subsequently developed, later, in the framework of the Stockholm Programme, adopted by the European Council of 10-11 December 2009.

Building on the policy developments in 2009 and as a response to specific proposals made by a number of Member States, the Justice and Home Affairs Council on 25 and 26 February 2010 adopted 29 concrete measures for reinforcing the protection of the external borders and combating irregular immigration.

The Council Conclusions on these 29 measures invited the Commission to report on their implementation by the end of 2010<sup>1</sup>. This Commission Staff Working paper aims to fulfil this task.

Information on measures no. 10, 11, 12, 13 and 14 concerning the development of the European Surveillance System (EUROSUR) will be provided in a separate report which the Commission has been requested to present specifically on EUROSUR, also by the end of the year 2010.

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<sup>1</sup> The measure no 29 was an invitation to the Commission to report by the end of the year on the fulfilment of the 29 measures adopted by the Council.

## ANNEX

Concerning the activities of FRONTEX, the Council has agreed:

**1. To seek agreement as a matter of urgency on the Commission proposal for a Regulation of the European Parliament and of the Council amending the FRONTEX Regulation, in order to reinforce the capabilities of the FRONTEX Agency.**

*The examination of the Commission proposal started under the Spanish Presidency and continued under the Belgian Presidency but has not yet yielded a final outcome. The Council expressed its support for the Commission's proposal and shared the aim to further reinforce FRONTEX' capabilities. Discussions are still ongoing and a compromise among Member States is emerging on a number of issues. For instance, the Council supports enabling FRONTEX to process personal data provided that clearly defined rules and limitations are established.*

*As far as the European Parliament is concerned, the first draft report was presented by the Rapporteur Mr Busuttil to the LIBE Committee on 15 November 2010. The Rapporteur highlighted the need to strengthen provisions on fundamental human rights and voluntary return as well as to provide for a mandate on the processing of personal data for limited purposes under clear rules, providing appropriate safeguards and guarantees with strict criteria as to how such personal data should be handled. He further proposes to merge the setting up of FRONTEX Joint Support Teams and Rapid Border Intervention Teams into one EU Border Guard System. Further discussion on the proposal will take place at the end of January 2011.*

**2. 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**

*FRONTEX aims to improve the planning process on an ongoing basis and in close cooperation with Member States to increase the effectiveness and efficiency of operational activities. Member States are informed about the planned activities and requested contributions for upcoming Joint Operations based on risk assessment, budget availability, operational needs and cost effectiveness of the resources. The final volume of deployment (number of assets and guest officers) is agreed beforehand with the hosting Member State and established in the Operational Plan. Joint Operations are continuously refined according to operational needs, risk assessment-based priorities and the subsequent allocation of financial resources.*

*Due to the persistently high migratory pressure on the external land borders with Turkey, Greece requested on 24 October 2010 the deployment of Rapid Border Intervention Teams (RABIT) together with the equipment needed for stepping up border control in the affected border area. In accordance with the established procedure, FRONTEX identified in close cooperation with the Greek authorities the adequate composition of the RABIT (i.e. number and profile of guest officers) and*

*the type of assets to be deployed. Consequently, a total of 190 persons from 26 Member States were deployed, including border guards and interpreters. The operation also entailed the deployment of necessary equipment such as a fixed wing surveillance aircraft, a number of thermo-vision vehicles, patrol cars and other transport means.*

*Measures have been taken to increase efficiency by avoiding parallel co-financing of national equipment being used in joint operations through the External Borders Fund and by FRONTEX.*

**3. 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.**

*FRONTEX pursues the dialogue with Member States in order to ensure that resources would be made available for joint operations of the following year. FRONTEX encourages Member States to register more experts and technical means in the relevant pools (FRONTEX Joint Support Team, RABIT, CRATE) with a view to increased availability of suitable experts and technical means satisfying the operational needs and ensuring effective operational activities.*

*A semi-compulsory mechanism for the creation of a Technical Equipment Pool is included in the Commission proposal to amend the FRONTEX Regulation. The possibility for FRONTEX to acquire own technical resources would further strengthen the operational response capacity of FRONTEX.*

**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.**

*FRONTEX is building and maintaining, at the operational level, a reliable, accessible and effective network of partners within the competent authorities of third countries. Operational cooperation takes place in the areas of operational information exchange, risk analysis, training, research and development, joint operations and pilot projects. In the field of risk analysis, networks, such as the Western Balkans Risk Analysis Network (WB-RAN) and the Eastern Borders Risk Analysis Network (EB-RAN) have been established providing an opportunity for regular and structured sharing of information and knowledge on irregular migration and increasingly also on cross-border crime as well as for joint analytical activities between the regional partners. The basis for a regional network with African countries (named AFIC – Africa FRONTEX Intelligence Community) was laid in April 2010 at a conference involving the participation of all Member States and 17 African countries. Further activities will take place in 2011.*

*In accordance with Article 14 of the FRONTEX Regulation, the Agency looks to*

*establish operational cooperation with the competent authorities of third countries by concluding working arrangements. The Agency has signed by the end of October 2010 13 such working arrangements (Russian Federation, Ukraine, Croatia, Republic of Moldova, Georgia, former Yugoslav Republic of Macedonia, Serbia, Albania, Bosnia and Herzegovina, United States, Montenegro, Belarus and Canada). In addition, working arrangements with the competent authorities of Cape Verde and the Coordination Service of the Commonwealth of Independent States were adopted by the Management Board of FRONTEX (though not yet signed). Furthermore the Management Board has given mandates for negotiations with the competent authorities of: Turkey, Libya, Morocco, Mauritania, Senegal, Egypt, Brazil, and Nigeria. These negotiations are at various stages.*

*With third countries, with which there is no working arrangement in place, operational cooperation is pursued on different levels. In the framework of the POSEIDON Programme, since 2009 operational briefings/meetings were organized with the participation of Turkey in order to establish operational contacts at the Greek-Turkish and Bulgarian-Turkish land borders. The participation of third countries in maritime operations is mainly based on bilateral cooperation between the hosting Member States and the relevant third country (e.g. Liaison Officers from Mauritania, Senegal and Morocco in Joint Operation EPN HERA).*

**5. To underline the importance of the role of the European Asylum Support Office (EASO) in developing methods to better identify those who are in need of international protection in mixed flows and in cooperating with FRONTEX where ever possible, and to welcome the development of the regional protection programs and the enhancement of the dialogue and cooperation on international protection with third countries**

*The operational phase of the EASO is expected to start in the first half of 2011, following the appointment of its Executive Director and core staff. On 25 and 26 November 2010 the first meeting of the Management Board of the EASO was held. . On that occasion, the first Executive Director was selected. S/he will be formally appointed early 2011 by the EASO Management Board after a hearing before the European Parliament. A Chair and vice-Chair of the Management Board have been elected. Developing methods to better identify who is in need of international protection will be among the tasks of the office.*

*Since 2006 the European Union has been supporting the implementation of Regional Protection Programmes (RPPs) in the African Great Lakes region (Tanzania) and in Eastern Europe (Ukraine, Republic of Moldova and Belarus), in particular through projects funded by the European Commission - the Aeneas programme and its successor, the Thematic Programme for cooperation with third countries in the areas of migration and asylum.*

*Following the signature on 26 August 2010 of the grant agreement DCI-MIGR/2010/250-052 of 5 million EUR (from the Thematic Programme, special measures for 2009) with the United Nations High Commissioner for Refugees (UNHCR), the latter, as of 1 September 2010 has started to implement a project which will enable to develop a new Regional Protection Programme in Kenya,*

*Djibouti, and Yemen.*

*Under the Action Programme 2010 of the Thematic Programme, adopted on 28 April 2010, the European Commission has also decided to allocate 3.5 million EUR to finance a project, to be implemented by UNHCR, aimed at enhancing the reception, protection and integration conditions for asylum seekers and refugees, and possibly to develop another Regional Protection Programme in North Africa.*

*Building upon the experiences with these first RPP's the Commission will consider further development of this instrument.*

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

*FRONTEX works closely with other relevant EU Agencies, notably Europol and Eurojust, on the implementation of this measure. The current situation as regards the information flow between Member States, FRONTEX and Europol was assessed with a view to identify the missing links between the partners<sup>2</sup>.*

**7. To further develop joint flights organized and co-financed by FRONTEX for joint return operations at European level, including the hiring by FRONTEX of aircraft for the purpose of such operations.**

*Cooperation in the field of return of irregularly staying third-country nationals has intensified in the course of 2010. The role of FRONTEX has been strengthened as well as the allocations under the annual budget of the Agency. The latter has been increased by 70% compared to 2009 amounting to EUR 9,341,000. By the end of September 2010, 31 out of 32 joint return operations coordinated by FRONTEX, have been co-financed by the Agency and by means from Member States' Annual Programme under the Return Fund.*

*Eight more joint return operations are planned phase for the remainder of 2010. Five operations are planned to be co-financed by FRONTEX and three under the Return Fund. The first joint return flight chartered by the Agency and destined for Georgia, departed on 28 September 2010 from Poland with 59 returnees from four Member States. Preparation of a framework agreement for the supply of chartered aircraft for joint return operations started in 2010. It is expected to be in place by the end of 2011.*

**8. 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**

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<sup>2</sup> Communication from the Commission to the European Parliament and the Council Overview of information information management in the area of freedom, security and justice COM(2010)385 final, adopted on 20 July 2010.

**foundation for a European culture of border guards of the Member States.**

*In the framework of the implementation of the Common Core Curriculum for Basic Level Training, a teacher exchange programme has been initiated and successfully implemented in 2010. This programme will be extended to students (border guards) exchange starting in 2011. Regular training organised by FRONTEX for the members of the RABIT Pool as well as for the participants of Member States' border guards in joint operations hosted by other Member States contributes greatly to the common understanding of tasks and the development of a European organisational culture of the border guard services within the European Union.*

**9. To invite FRONTEX to implement its decision to carry out a pilot project for the creation of an operational office in the eastern Mediterranean, in Piraeus, as soon as possible in 2010.**

**The Council takes note that FRONTEX has agreed that, on the basis of an independent external evaluation, it may decide whether to pursue the pilot project and/or establish other FRONTEX operational offices as appropriate, and invites FRONTEX to report to Council on the matter.**

*The first specialised branch entitled "FRONTEX Operational Office" became operational on 1 October 2010.*

*The main tasks of the FRONTEX Operational Office (FOO) are:*

- *Contribution to the preparation and evaluation of the Joint Operations being launched in the Eastern Mediterranean region;*
- *Coordination activities in the implementation of those Joint Operations;*
- *Providing information for the situational awareness in the region and reporting on events related to the Joint Operations;*
- *Gathering and assessing information and intelligence for risk analysis purposes.*

*It should fulfil its tasks within the Eastern Mediterranean region (Italy, Malta, Greece and Cyprus). The functioning of the FOO has to be evaluated after 9 months of activity. The outcome of the independent evaluation will serve as the basis for the decision of the Management Board on whether to pursue the pilot project and/or to establish other similar operational offices. The Agency should report back to the Council on the results of the evaluation and its subsequent decision by the end of 2011.*

**Concerning the development of the European Surveillance System - EUROSUR, the Council has agreed:**



10. 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.

*A first report on the progress of EUROSUR, covering the period between February 2008 and July 2009, was published on 24 September 2009<sup>3</sup>.*

*A second report on the progress made in the development of EUROSUR between August 2009 and October 2010 will be published by the end of 2010. This report will include details on the implementation of measures 10 to 14.*

11. 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.

*See the report on the progress made in the development of EUROSUR between August 2009 and October 2010 to be published by the end of 2010*

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.

*See the report on the progress made in the development of EUROSUR between August 2009 and October 2010 to be published by the end of 2010*

13. 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 irregular immigration flows, in order to improve their capacity to manage their own borders.

*See the report on the progress made in the development of EUROSUR between August 2009 and October 2010 to be published by the end of 2010*

14. To invite the Commission to report before the end of 2010 on how the conclusions of the Global Monitoring for Environment and Security (GMES) border surveillance group on common application of surveillance tools, such as satellites, could be implemented in the EU land and sea borders.

<sup>3</sup> Commission Staff Working Paper report on progress made in developing the European Border Surveillance System (EUROSUR) SEC(2009) 1265 final

*See the report on the progress made in the development of EUROSUR between August 2009 and October 2010 to be published by the end of 2010*

**Concerning the fight against illegal immigration networks and trafficking in human beings, the Council has agreed:**

**15. 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.**

*The dismantling of organised crime networks specifically with regard to trafficking in human beings is one of the priorities in inter-agency cooperation for Europol, FRONTEX and Eurojust. Consequently, this point has been integrated into the cooperation scoreboard of the JHA Agencies<sup>4</sup>. FRONTEX will develop specific training materials in the field of trafficking in human beings for border guards in cooperation with the other agencies and it also implements pilot operations in this field at the external borders.*

*Moreover, the currently discussed cooperation arrangement between FRONTEX and Eurojust will aim to extend the cooperation in the field of combating trafficking in human beings. In the area of Risk Analysis, the traffickers' and potential victims' profiles will be further refined and new indicators for data collection from the MS will be introduced. The cooperation with Europol and Interpol has been structured within the operational plans as part of information/ intelligence arrangements during joint operations.*

**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.**

*Beside the training activities and programmes developed and carried out for the various levels of experts on the detection of falsified documents, a Document Specialist Board has been established, in order to support the definition, development and implementation of training activities regarding the detection of falsified documents. Currently 28 Member States and/or Schengen Associated States, the Joint Research Centre, the General Secretariat of Council of the EU and the European Commission are invited to take part in the respective meetings organised*

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<sup>4</sup> Working document prepared by the Agencies concerned for the Implementation of the Final report on the cooperation between JHA Agencies (Council doc. 8387/10 LIMITE JAI 287 COSI 17 and 9441/2/10 REV2 LIMITE JAI 395 COSI 33) endorsed at the Meeting of the Heads of JHA Agencies on 26 November 2010

*on a regular basis.*

*Based on contributions from Member States to the FRONTEX Risk Analysis Network (FRAN), the Agency has initiated in 2010 a monthly analytical reporting mechanism that will complement the other analytical products. In addition to the FRAN quarterly meetings, the Agency is now implementing, three times per year, tactical meetings where Member States take the lead in organising the exchange of information on specific operational topics of concern.*

**Concerning solidarity and the integrated management of external borders by the Member States, the Council has agreed:**

**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.**

*Since 2009 FRONTEX is carrying out operational activities at the maritime external borders under the umbrella of the EPN by activating selected EPN areas. For 2011 the Agency is already planning phase two related operational activities in the Black Sea and in the Ionian Sea.*

*The core idea of the EPN General Programme of FRONTEX is to further develop the permanent regional border security coordination structures as well as to be a forum for different authorities to establish harmonised infrastructure for sea operations, fleet management, standard procedures and compatibility between participating forces. FRONTEX carries out several pilot projects (PP) in order to support this aim: e.g. PP “Positioning System” is designed to find a solution to track assets deployed in maritime operations and cost calculation of those assets. PP “Compatible Operational Image” aims at increasing the operational compatibility between different assets of Member States and operational centres as well as supporting FRONTEX and Member States in improving their situational awareness and reaction capability. PP “Maritime Operational Centres” aims to establish an overview of maritime operational centres with a description of their tasks and available equipment as well as supporting permanent operational cooperation between those centres.*

*FRONTEX is cooperating closely with Commission and the Member States supporting them with maritime/technical expertise in the development of EUROSUR, although according to the Agency some Member States hesitate to contribute actively to the further implementation of EPN.*

*The integration of EPN into EUROSUR could follow swiftly once the latter is up and running. The information produced by the assets participating in an EPN activity would be available to FRONTEX (also to the relevant National Coordination*

*Centres) and, if relevant, could be shared with all Member States concerned via the EUROSUR network.*

**18. To encourage Member States to optimise the use of the European External Borders Fund annual programmes for the period 2007-2013 to improve the capabilities of their border guards and the development of EUROSUR, including through the creation and development of the single national coordination centres, and considering the specific situation of the Member States.**

*In order to optimise the use of the External Borders Fund the Commission adopted a specific Decision (Decision No 2007/599/EC), defining the strategic guidelines for the implementation of the Fund from 2007 to 2013. Furthermore, the Commission is assisting and guiding constantly the Member States, in particular through the SOLID Committee, in order to ensure that the External Borders Fund is implemented in line with the overall border policy priorities.*

*The support for development of the national components of EUROSUR and of a permanent European Patrol Network at the southern maritime borders of the EU Member States is defined as one of the strategic priorities of the External Borders Fund. Member States may receive a co-financing of 50%, or 75% if they choose to carry out certain actions related to the implementation of the EUROSUR. These actions include investments in establishing or upgrading a single national coordination centre, which coordinates 24/7 the activities of all national authorities involved in external border control and which is able to exchange information with the national coordination centres in other Member States. They include also investments in establishing and upgrading a single national surveillance system, which covers all or selected parts of the external border and enables the dissemination of information 24/7 between all authorities involved in external border control. Also purchase and/or upgrading of equipment for detection, identification and intervention at the borders can be financed provided that the need for equipment has been clearly identified at European level.*

*When looking at the amounts budgeted by Member States for implementation of External Border Fund, it is evident that most investments are made in relation to this strategic priority - development of EUROSUR (45% on average for the programming period 2007-2009).*

*Since the development of the EUROSUR is initially focused on the southern and eastern external borders of the EU, mainly the Mediterranean countries and countries situated at the eastern border of the EU are concerned by this type of investment at this stage. Notably under the programming period 2007-2009, Italy devoted 86%, Spain 85% and Malta 64% of their EBF allocation to the implementation of EUROSUR . Other countries with significant investments under this priority are Lithuania (43%), France (26%), Hungary (27%), Sweden (15%) and Portugal (15%). Greece and Slovenia budgeted (2%) and the remaining Member States participating in the Fund did not allocate any EBF funds into this priority.*

*The total amount budgeted by Member States for this strategic priority under the*

*EBF throughout the programming period 2007-2009 was 163,228,066.20 EUR (2007: 56,309,381.13 EUR, 2008: 48,773,956.54 EUR and 2009: 58,144,728.53 EUR).*

*Some Member States carry out investments related to the establishment or upgrading of national single coordination centres (NCC) where all the external borders control tasks are centralised. In particular, Italy, Slovenia and Spain have been developing such coordination centres under the EBF.*

*One of the phases leading to the establishment of EUROSUR aims at interlinking the existing surveillance systems and mechanisms at Member State level in order to connect them with a European system at a later stage. Some countries invest considerable amounts of the EBF allocations into single national systems, with an objective of linking them later on with EUROSUR. France and Spain provide an example for such investments.*

*For the upcoming programming phase 2011-2013, Member States were encouraged to direct the EBF allocations to several areas of particular importance to the EU in line with the Stockholm Programme. This includes EUROSUR and in particular, establishment and further development of the single national coordination centres as well as extension and upgrading of the mobile and stationary components of the national border surveillance systems. Several Member States have already indicated in their multiannual programmes the implementation of measures related to priority 2 for an overall amount of 202,910,212 EUR - Italy, Malta, Portugal, Spain and Hungary being the main examples.*

**19. To promote solidarity with the Member States facing particular pressures through capacity building and practical cooperation in the areas of asylum, migration and border control, building on their own responsibility in these areas, and in line with the relevant European Council Conclusions**

*In the areas of asylum and migration, the Commission funded under the European Refugee Fund a number of projects which contributed to the promotion of solidarity between Member States facing particular pressures through capacity building and practical cooperation. The total amount of EU co financing for these projects amounted to around 3 million EUR. Two of these projects covered the intra-EU relocation of beneficiaries of international protection from Malta to other Member States. One of them was a bilateral Franco-Maltese project which led to the relocation to France of almost 100 beneficiaries of international protection. The second was an EU pilot project which involved 11 Member States and covered almost 250 beneficiaries of international protection.*

*Overall the General Programme Solidarity and Management of Migration Flows for 2007-2013 has continued playing its role of solidarity mechanism through sharing the responsibility of applying EU standards in the interest of and on behalf of all Member States.*

*In light of the unprecedented pressure on the Greek asylum and migration management system in the second half of 2010, the Commission expressed its*

support, including substantial financial support, to a comprehensive plan of reform set up by the Greek government (the National Action Plan on Asylum Reform and Migration Management). Several Member States have already declared their readiness to assist Greece by providing assistance through, in particular, practical cooperation.

The Commission actively supports Greece in its efforts to seriously improve its asylum system in the near future. On 30 November 2010, the Commission will hold another meeting with Greece, Member States, Norway and other European partners (UNHCR, IOM and FRONTEX) in Brussels, to discuss in concrete terms the assistance that is to be provided to Greece in view of the implementation of its Action Plan.

Further to a Greek request for European solidarity and in particular for further European assistance in the field of operational cooperation, the first ever Rapid Border Intervention Teams (RABIT) have been deployed under the coordination of FRONTEX. The deployment started on 2 November; including all types of staff (border guards patrolling at the borders, guest officers dealing with interviewing the apprehended immigrants with a view to their identification and information gathering on facilitators and interpreters), a total of 190 persons are deployed along with relevant assets. The support is scheduled to last for four weeks, plus a possibility to extend for further four weeks. Further prolongation of the deployment and/or the adaptation of the volume of the RABIT deployment would be possible if the development of the situation so requires.

**20. 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.**

The Commission is preparing legislative proposals accompanied with impact assessments on a Registered Traveller Programme (RTP) and an Entry/Exit System (EES), with a view to the systems becoming operational in 2015. Legislative proposals should be adopted by the Commission by mid 2011. Furthermore, the Visa Information System (VIS) will start operations at the first consulates in June 2011 and soon after at all external border crossing points.

Member States have procured and installed state of the art technology such as Automated Border Control (ABC) systems and fixed and mobile border check devices at their border crossing points. Member States are encouraged by the Commission to continue these procurements under the External Border Fund as state of the art technology will guarantee full functioning of future systems such as the VIS, RTP, EES and the SISII.

With regard to coordination, integration and rationalisation of the different types of checks a study on the cooperation between border guards and customs administrations working at the external borders of the EU is being carried out by an external contractor. In addition, studies in the framework of the 7<sup>th</sup> Framework Programme for Research are ongoing. The information gained from the studies will be used by the Commission when considering the preparation in 2012 of the

*Communication foreseen in the Stockholm Action Plan on the better cooperation, coordination, integration and rationalisation of different checks at the external borders with a view to twin the objectives of facilitating access and improving security .*

*The need for coordination, integration, rationalisation of different types of checks and interoperability of new technologies are continually stressed by FRONTEX too, during information exchanges with Member States. Moreover, the development of best practices and guidelines in the field of implementation and operation of Automated Border Crossing systems serve as a good example of how this need is being addressed.*

**21. 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.**

*Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers (ILO) network<sup>5</sup> (hereinafter: 'the Regulation') provides for a binding legal framework for enhanced cooperation among the immigration liaison officers of Member States. Among other tasks FRONTEX is to provide assistance for organising joint return operations of Member States and to carry out risk analyses. These analyses must be based on the widest possible resources, but gathered and provided primarily by the Member States' competent authorities. In order to fulfil its mission, FRONTEX must also facilitate operational cooperation between Member States and third countries. It may also cooperate with the competent authorities of third countries or with international organisations. The Agency has no permanent representation in any third country. Although immigration liaison officers posted in relevant third countries could provide a substantial contribution to the fulfilment of the tasks of FRONTEX, this potential is not yet adequately exploited owing to insufficient links between the liaison officers and the Agency.*

*The Commission tabled a proposal<sup>6</sup> for the amendment of the Regulation aimed at ensuring efficient use of this important cooperation tool for the management of migration and external borders. The changes suggested by the Commission would also facilitate the integration of FRONTEX into the ILO networks. Negotiations on the proposal are still ongoing between the Council and the European Parliament, thus the inclusion of FRONTEX into the information exchange among the ILO's posted in a given third country or region still depends entirely on the Member States concerned. Reporting from Member States' immigration liaison officers to FRONTEX takes place through Member States' central offices.*

*In 2010, the Agency was invited to ILO meetings organised by Member States in Moscow, Dakar, Zagreb and Tirana. In turn, ILOs posted in the Western Balkans, Eastern Borders and Africa were invited to the regional analytical meetings of FRONTEX.*

<sup>5</sup> OJ L 64, 2.3.2004, p. 1.

<sup>6</sup> COM(2009) 322 final; 8.7.2009

*The Commission strongly believes that the adoption of the amendments to the Regulation and the systematic involvement of FRONTEX - within its mandate – in the ILO networks' activities would enhance the efficiency of the latter and would enable the Council to better follow up their activities and then draw conclusions as regards any necessary future measures.*

Concerning the cooperation with third countries, the Council has agreed:

**22. To ensure that the migration policy objectives are at the centre of the political dialogue with relevant third countries of origin and transit, with a view to the strategic, evidence based and systematic implementation of the Global Approach to Migration in all its dimensions, i.e. legal migration, illegal immigration and migration and development. This also requires, as a matter of principle, that all parties concerned assume their responsibilities in terms of return and readmission of migrants entering or staying illegally, including those migrants who have entered or tried to enter the European Union illegally from their territory.**

*Migration policy objectives are at the centre of the political dialogue developed by the European Union with an increasing number of third countries, as well as in international fora. Detailed information is provided below under measure 24. An evaluation of the EU readmission agreements and policy will be concluded in the coming weeks and a Communication on the evaluation and future development of the Global Approach to Migration will follow in 2011.*

**23. To intensify efforts at the level of the European Union and of the Member States to return illegally staying third-country nationals, as part of an effective and sustainable EU migration policy which includes using the full political weight of the EU and coherent use of instruments from different EU policies to secure return and readmission cooperation with third countries. When allocating financial means for this purpose, voluntary return should be kept in focus.**

*All the European Union Member States have been engaged in the course of the year 2010 in adapting their legislation to the provisions of the EU Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning irregularly staying third-country nationals, whose implementation is deemed not only to approximate the norms and practices of the Member States by setting a common set of standards, but also to contribute to intensify the efforts of the European Union to effectively return the third country nationals irregularly staying on its territory.*

*Meanwhile, the European Commission, on behalf of the European Union, has continued to negotiate readmission agreements for which it has received a mandate from the Council, in particular with Morocco and Turkey, though without reaching yet a conclusion (on the positive developments achieved with the latter, please see in particular point 26 below).*



*Noticeably, Algeria continues to refuse to even starting the negotiation of the agreement, whereas the Commission has managed to conclude negotiations on the readmission agreement with Pakistan, which entered into force on 1 December 2010, and with Georgia, signed on 22 November 2010.*

*In addition, on 12 November 2010 the Commission has proposed to the Council to start negotiating a readmission agreement with Belarus.*

*As requested by the European Council in the Stockholm Programme, the Commission has undertaken in 2010 an evaluation of the EU readmission policy. The results of that evaluation will be presented in early 2011.*

**24. To enhance in particular the implementation of the Global Approach in the dialogue on migration with the main countries of origin and transit, such as, in accordance with the Stockholm Programme, those of the Mediterranean area, the East and South-Eastern Europe and Africa.**

**This process may cover, on a case by case basis, all aspects of migration, including also cooperation on and support of border management, return and readmission, and, where appropriate, mobility issues. In doing so, the EU will promote human rights and the full respect for relevant international obligations. Dialogue and cooperation should be further developed also with other countries and regions such as those in Asia and Latin America on the basis of the identification of common interests and challenges.**

*In the course of 2010 the European Union has continued developing its dialogue with the relevant third countries in the field of migration, by systematically addressing all the dimensions of the phenomenon in a balanced and comprehensive manner, in line with the Global Approach to Migration.*

*This has been done primarily with the third countries with which institutional frameworks for such dialogues (for instance, the Justice and Home Affairs Subcommittees, Working Groups on Migration, Mobility Partnerships etc.) exist. In some cases however the European Union has also managed to engage other countries into such a dialogue.*

*In the Mediterranean, dialogue on migration in the course of 2010 has been mostly pursued at bilateral level using the available institutional frameworks such as the Justice and Home Affairs Subcommittee and the Working Groups of Migration. The European Commission has been supporting dialogue in the field of migration also at regional level in particular through the EUROMED Migration project II.*

*On 4 and 5 October 2010 Commissioners Malmström and Füle, held constructive talks with representatives of Libya enabling the European Union to start a dialogue on migration with this country, in line with the Global Approach to Migration. (For more details: see under measure 25).*

*A specific migration mission to Egypt was not carried out, after the Egyptian side indicated its view that deepening and cooperation in the field of migration could be pursued on the basis of the existing institutional framework.*

*In relation to the 6 countries participating to the Eastern Partnership, dialogue and cooperation on migration issues have continued to be developed both at bilateral level and through the structures set by the Partnership itself.*

*As regard the latter, on 28 June and 17 November 2010 took place, respectively, in Brussels and Chisinau the second and third meetings of the Eastern Partnership Integrated Border Management (IBM) Panel. Participants took stock of the implementation of the Eastern Partnership IBM Flagship Initiative which receives an EU financial support of 44 million EUR and aims at enhancing the capacity of the Eastern Partners to exercise surveillance along their borders, to prevent irregular migration and to combat against cross-border illicit trafficking. This initiative also includes training activities and pilot projects, providing also for the supply of technical equipment, through the provision of training activities, technical assistance and equipment.*

*In relation to some Eastern Partners, important steps forward can also be noticed at bilateral level, in particular as regard the implementation of existing and the development of new Mobility partnerships.*

*As regards the Republic of Moldova, many of the initiatives agreed within the framework of its Mobility Partnership with the EU resulted in the year 2010 as having already been completed and new ones, covering all the dimensions of the Global Approach to Migration, including readmission, are being launched or planned.*

*As regards Georgia: the Mobility Partnership was launched in February 2010 in Tbilisi following its signature on 30 November 2009. Belgium, Bulgaria, Czech Republic, Denmark, Germany, Greece, Estonia, France, Italy, Lithuania, Latvia, Netherlands, Poland, Romania, Sweden and United Kingdom, jointly with FRONTEX and the European Training Foundation participate in this Mobility Partnership. A number of projects in the different areas covered by the MP are ongoing or will start soon.*

*Finally, as regards Armenia, following the decision taken on 26 May 2009 by the EU Member States that the European Commission should start discussions with Armenia on the establishment of a Mobility Partnership, the Commission has been carrying out intensive consultations to identify which Member States would be interested in participating in such Mobility Partnership. So far 8 Member States (Bulgaria, Czech Republic, Germany, France, The Netherlands, Poland, Romania and Sweden) and the European Training Foundation (ETF) declared their interest in participating in a Mobility Partnership with Armenia. The Commission, in close consultation with Armenian authorities, is gathering the proposals for concrete actions presented by the interested EU Member States and will circulate very soon a list of those proposals as well as a first draft of the Mobility Partnership Joint Declaration.*

*On the basis of the first experiences with the Mobility Partnerships, the Commission is inclined to believe that this innovative approach to managing migration seems promising and constitutes an avenue for future ties with additional third countries ready to engage with the EU on such a basis.*

*In parallel, it must be underlined that the European Union has signed with Georgia visa facilitation and readmission agreements, respectively on 17 June and on 22 November 2010, and that on 12 November 2010 the European Commission proposed to the Council to start negotiations for visa facilitation and readmission agreements with Belarus.*

*In addition, between 20 and 23 September 2010 an EU migration mission was carried out to Ukraine.*

*Concerning this country, the Commission is finalising the preparation of an Integrated Border Management sector programme worth 66 million EUR. Inter alia this will comprise the development, adoption and implementation of an Integrated Border Management Strategy, a system of risk-based management in line with FRONTEX recommendations (significantly increasing effective border control while decreasing the number of physical inspections of cargo), modernisation of land and maritime border infrastructure, enhancement of border checking and surveillance capacities.*

*Relevant developments have been registered in the application of the Global Approach to Migration also in the Western Balkans.*

*These countries are, at different levels, engaged in the process of preparation to the accession to the European Union. They have signed readmission agreements and visa facilitation agreements with the EU, and – on the basis of their progress, including in strengthening border management and preventing irregular migration - have progressively benefited from visa liberalisation.*

*As regard Kosovo<sup>7</sup>, a law on readmission has been adopted committing Kosovo to repatriate own residents as well as relevant third country nationals. Kosovo has adopted a strategy and an action plan, and allocated financial resources to tackle reintegration of repatriated persons.*

*The European Union is assisting Western Balkans region in this endeavour through the Instrument for Pre-Accession both at bilateral and regional level.*

*Within this context, and in line with the Global Approach to Migration, the European Union is also providing to them assistance to address other relevant aspects of the migratory phenomenon.*

*For instance, the Commission in July 2009 has decided to allocate 2 million EUR to a project, aimed at assisting all the Western Balkan countries to build capacities at local level to inform skilled potential labour migrants from the Western Balkans about entering legally the EU labour market and prepare them to use their competences and skills more efficiently, as well as to encourage the return of skilled migrants to their countries of origin while facilitating their sustainable social and professional reintegration<sup>8</sup> and promoting the dissemination of new acquired skills.*

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<sup>7</sup> Under UNSCR 1244/1999

<sup>8</sup> In the context of this project, "reintegration" targets migrants who have returned to their origin countries following irregular stay in the EU or after the end of their legal stay in the EU, and not specifically refugees who fled the country following the conflict. In Bosnia and Herzegovina and Kosovo 'reintegration' is used to refer to reintegration of persons who fled the country after the conflict, and

*A call for proposal for the implementation of this project was launched in April 2010 and a grant agreement is due to be signed by the end of the year.*

*Another multi-beneficiary project in value of approximately 1.5 million EUR, which is being implemented and is led by the International Organisation for Migration is focussing on strengthening integrated border management in the Western Balkans.*

*As regards Africa, dialogue on migration has been conducted at continental, regional and bilateral/national level and covered all the pillars of the Global Approach to Migration: legal migration, prevention and reduction of irregular migration and enhancing links between migration and development.*

*At the continental level, a new Action Plan 2011-2013 on Migration, Mobility and Employment has been prepared and adopted at the EU-Africa Summit on 29-30 November in Libya.*

*At the regional level, in the framework of the Rabat/Paris Process, a first thematic meeting took place in view of preparing the next Ministerial Conference on Migration and Development scheduled to take place in Dakar in 2011. The meeting was devoted to issues related to migration of people from vulnerable or potentially vulnerable groups and focused on trafficking in human beings, unaccompanied minors and feminisation of migration.*

*At the bilateral level, a migration mission to Cameroon based on Article 13 of the Cotonou Agreement is planned for December 2010. The agenda of this mission will encompass a large number of issues covering all the dimensions of the Global Approach to Migration.*

*Progress can be observed in the implementation of the Mobility Partnership with Cape Verde and the Commission has approached Ghana to explore the possibility of signing a similar Partnership with this country. Moreover, dialogue on migration issues has been actively conducted in Nigeria, as a follow-up of the Article 13 migration mission that took place to this country in 2008.*

*The European Union-Latin America (EU-LAC) Countries Structured and Comprehensive Dialogue on Migration, after its launch on 30 June 2009, has continued to be pursued and developed in the course of the year 2010. A third EU-LAC High Level Meeting specially focussed on "Families, Vulnerable Groups and Migration" took place in Madrid on 15-16 March 2010. The next meeting of the EU-LAC High Level Meeting dialogue on migration is scheduled for 17 December 2010. In addition to that, on 18 May took place the VI EU/LAC Summit, and on that occasion was adopted the Madrid Action Plan, which identifies the dialogue and cooperation on migration as being one of the priorities in EU-LAC relations.*

*As regards Asia, several positive developments can be listed, such as the conclusion of the negotiations of the Partnership and Cooperation agreements with Mongolia, Vietnam and, Philippines all of which include also provisions establishing the possibility to develop dialogue and cooperation with the EU in the field of migration.*

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there are specific programmes in place for this (ie Bosnia and Herzegovina mainly focussing on housing).

*On 21-23 November 2010 took place in Brussels the 9th Conference of Director Generals of Immigration of Asia and Europe (ASEM Meeting). More specifically, on 23 October 2010 took place in Brussels the EU - India High Level Dialogue on Migration issues.*

*Regarding the implementation, the European Commission continued, in the course of the year 2010 to make use of any suitable EU financial instruments to promote new initiatives of cooperation with third countries in the field of migration, asylum, border management, by placing also particular attention on the importance to tackle all the aspects of these phenomena, in line with the comprehensive and balanced approach dictated by the EU Global Approach on Migration.*

*A key EU financial instrument available to the Commission in this endeavour remains the Thematic programme for the Cooperation with third countries in the areas of migration and asylum. The European Commission has approved in 2010, under the Call for proposals funded by the budgets 2009 and 2010 of this Thematic Programme, more than 60 new projects for a total amount of approximately 75 million EUR aiming at supporting the implementation of the Global Approach to Migration in different regions of the world.*

*To such funding should be added, under the same thematic programme, a total of approximately 16.5 million EUR approved by the European Commission to support five initiatives identified outside the call for proposals system (targeted initiatives) aiming at supporting the implementation of Regional Protection Programmes, Mobility Partnerships as well as the EU-Latin America & Caribbean Structured Dialogue on Migration and Asylum.*

*Also the EU financial instruments of "geographical" nature, as the Development Cooperation Instrument (DCI), the European Neighbourhood and Partnership Instrument (ENPI), the 10<sup>th</sup> European Development Fund (EDF) and the Instrument for Pre-Accession (IPA) have been mobilised in some cases to support projects aiming at developing the capacities of third countries in the area of migration, asylum, visas and borders, with focus, respectively, on the Eastern Partners ( ENPI), Western Africa ( EDF) and Turkey ( IPA)*

**25. To implement actively the European Council Conclusions of June and October 2009, including in particular by taking forward the dialogue on migration with Libya, with a view to setting up in the short term an effective cooperation. The Commission is invited to explore, as a matter of urgency, a cooperation agenda between the European Union and Libya with a view to including initiatives on maritime cooperation, border management (including possibilities for the development of an integrated surveillance system), international protection, effective return and readmission of irregular migrants and issues of mobility of persons.**

*Ms Cecilia Malmström, Commissioner for Home Affairs, and Mr Štefan Füle, Commissioner for Enlargement and European Neighbourhood policy, went to Tripoli and met Mr Moussa Koussa, the Secretary of General People's Committee for*

*Foreign Liaison and International Cooperation, and Mr Yunis Al-Obeidi, the Secretary of General People's Committee for Public Security, on 4-5 October 2010 to discuss the challenges that the two sides are confronted with in the areas of migration and mobility.*

*As a result of these discussions, the two Commissioners and the two Secretaries agreed on 4 October a Joint Communiqué, identifying also a list of possible initiatives, which the two parties would be ready to consider for dialogue and cooperation. This list includes concrete actions that, if implemented, would contribute to develop the capacity in Libya to manage the borders, to organise migration flows, to fight against smuggling and trafficking in human beings, to treat and protect refugees and migrants in accordance with international standards, to facilitate the circulation of persons taking place through legal channels between the EU and Libya, as well as to develop the cooperation with African countries in addressing root causes of migration, developing links between migration and development, and in managing migration flows in general.*

*The two sides also discussed the establishment of an informal group of senior officials that would oversee the implementation of the list of possible initiatives.*

*As a follow up to the signature of the Joint Communiqué of 4 October 2010, the European Commission is planning to commit by the end of 2010 10 million EUR under the ENPI, to improve the management of migration flows and borders in Libya. An additional 30 million EUR funds for the same purposes will be committed under the ENPI instrument during the period 2011-2013. More funds may become available for cooperation with Libya through the mobilisation of other financial programmes, including the EU Stability Instrument.*

*Programming missions to identify the specific interventions to be funded are scheduled for December 2010 and January 2011.*

**26. To welcome the constructive resumption of the formal negotiations on a EU/Turkey readmission agreement, which makes provision for the return of third country nationals, and to call for its conclusion as a matter of urgency, and to stress that adequate implementation of already existing bilateral readmission agreements remains a priority. Building on the dialogue now under way with Turkey, the Council invites the Commission, the Member States and Turkey to further develop cooperation on migration, international protection and mobility issues.**

**The Commission is also invited, in the context of the existing Instrument for Pre-accession Assistance (IPA) financial framework, to explore possibilities to provide adequate financial means to improve Turkish capacity to tackle illegal migration, including support to the implementation of the Turkish integrated border management system.**

*Following the 7th round of negotiation of the EU-Turkey readmission agreement held in May 2010 in Ankara, a text was agreed between the Commission's and the Turkish chief negotiators. The agreed text however was not endorsed by all the European Union Member States, as during the subsequent discussions in the Council*

*some Member States still contested a few solutions proposed in the text.*

*Since then the Commission has been discussing with these Member States and with Turkish authorities to find out solutions acceptable for both the parties to address the remaining issues. Given the importance of formally concluding the negotiations and the willingness indicated from both side to find solutions, the Commission is hopeful that an agreement can be found soon.*

*In parallel the Commission carried out a technical meeting on visa issues in Ankara on 27 July 2010, mainly to present the Visa Code applicable since 5 April 2010. At this occasion and on 20 September the Commission also participated to the meetings of the Local Schengen Cooperation, in the aim to kick start and support the well functioning of latter, and with the ultimate goal to develop the harmonisation of the different EU Consulates' practices and to ensure the full implementation of the Visa Code, for the benefit of Turkish visa applicants.*

*The Commission continues also to develop its dialogue and cooperation with the Turkish authorities through the established institutional channels and instruments, with the aim to further develop the alignment of Turkish legislation, administrative capacities and practices on the EU standards in the field of migration, border management, visa policy and asylum.*

*This is particularly relevant in the context of recent migratory pressure experienced by Greece at EU external border with Turkey for which activation of FRONTEX RABITs was necessary. Once the situation stabilizes Joint Operation Poseidon will take over. However, to maintain the migration flows under control, with all due respect of the fundamental rights, operational cooperation on ground with the Turkish side has to be swiftly established.*

*In the first half of 2011, the Commission plans to adopt, on this endeavour, a Multi-Annual Indicative Planning Document (MIPD) 2011-13 allocating for this period up to 400 million EUR to the rule of law and fundamental rights sector of which a part will be dedicated to the development of Turkish capacities in the area of Home affairs and security subsector, including for the development of a Turkish integrated border management system. This builds on roughly 100 million EUR already committed in these areas.*

*On 6-10 December 2010 a Peer-Review mission will be carried out by experts issued from the EU MSs administrations and from the Commission services, to evaluate the progress made by Turkey towards the alignment to EU standards and practices in the field of integrated border management, asylum and migration.*

**27. To underline the importance of swift finalisation of the negotiation of Article 13 of the Cotonou Agreement, the revision of which should seek to reinforce the three dimensions of the Global Approach, and in particular the effectiveness of readmission obligations.**

*The 2010 revision of the Cotonou Agreement did not result in a revision of its article*

*13. However, the parties agreed on a Joint Declaration on migration and development that has been endorsed by the ACP-EU Council in June 2010. In this Declaration Parties committed to strengthening and deepening their dialogue and cooperation in the area of migration, based on the three pillars mentioned in the Declaration. The declaration also foresees that the Parties will report on the progress of the dialogue at the next Joint Council, i.e. the 2011 Joint Council. The first meeting on this basis took place on 1 October and concerned brain drain and circular migration. The next meeting is planned for 13 December 2010 and will address readmission and visa issues. Two additional meetings are scheduled for February and April 2011 and will address, respectively, smuggling of migrants human trafficking and rights of migrants, and remittances.*

**28. To invite the Commission to identify the necessary means to support enhanced capacity building and infrastructures in relevant third countries, so that they can control efficiently their external borders and tackle illegal immigration, taking also into account the assessments made by FRONTEX.**

*The Commission proposal to amend the FRONTEX Regulation includes provisions that would allow the Agency to finance and implement technical assistance projects in third countries and to deploy liaison officers in third countries.*

*FRONTEX could also assist the Commission in fact-finding missions or similar preparatory actions aiming to identify the existing gaps and needs regarding the external border management systems of relevant third countries.*