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DRAFT REPORT

on the evaluation and future development of the FRONTEX Agency and of the European Border Surveillance System (EUROSUR)
(2008/2157(INI))

Committee on Civil Liberties, Justice and Home Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the evaluation and future development of the FRONTEX Agency and of the European Border Surveillance System (EUROSUR)
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The European Parliament,

– having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, reporting on the evaluation and future development of the FRONTEX Agency (COM(2008)0067),

– having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions examining the creation of a European Border Surveillance System (EUROSUR) (COM(2008)0068),

– having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions preparing the next steps in border management in the European Union (COM(2008)0069),

– having regard to Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union[1],

– having regard to the European Pact on Immigration and Asylum, adopted in Paris by the 27 Member States on 7 July 2008, due to be endorsed at the next European Council in October 2008,

– having regard to the conclusions of the European Council Presidency of 15 and 16 December 2005 on the 'Global approach to migration: Priority actions focussing on Africa and the Mediterranean', published in the Presidency conclusions following the European Council of 14 and 15 December 2006,

– having regard to Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams[2],

– having regard to its resolution of 26 September 2007 on policy priorities in the fight against illegal immigration of third-country nationals[3],

– having regard to Rule 45 of its Rules of Procedure,

[1] OJ L 349, 25.11.2004, p.1.
[2] OJ L 199, 31.7.2007, p.30.
[3] OJ C 219E, 28.8.2008, p. 223.

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs, the Committee on Development and the Committee on Budgets (A6-0000/2008),

A. whereas the fight against illegal immigration, and more specifically the integrated management of all the EU's borders, must form part of a global and harmonised approach to migratory phenomena, including the organisation of legal migration, the integration of legal immigrants and cooperation with countries of origin and transit,

B. whereas these migratory phenomena will continue to exist as long as there are still development gaps between the different regions of the world, and whereas, with that in mind, the management of migratory flows should be organised in synergy with development and cooperation policies with third countries,

C. whereas the surveillance of the Union's external borders is a key element in the fight against illegal immigration, which must be accompanied by additional enforcement policies seeking to eradicate such immigration at source, and by measures to combat illegal work, particularly the adoption of the directive imposing sanctions against the employers of illegally staying non-EU member country nationals, and against people-trafficking networks, which are an element of organised crime,

D. whereas, while border controls are the responsibility of each Member State as regards its own section of border, the migratory pressure on the Eastern and Southern borders of the EU requires a spirit of joint responsibility and compulsory solidarity to develop among the Member States, so as to facilitate the sharing of the material and human resources which can be mobilised to combat this phenomenon,

E. welcoming the first quantifiable results from the FRONTEX agency since it launched operations in October 2005, and noting the need to define a medium and long-term strategy, which has become essential at this stage of its development,

F. whereas this strategy should be taken as an opportunity to test the viability of the principle of 'compulsory solidarity' between Member States (already referred to in the context of Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams[1] (RABIT), which co-ordinates the Union's rapid reaction capacities in case of emergency) in order to determine the appropriate way of ensuring that the material resources (listed in the Centralised Records of Available Technical Equipment (CRATE)) and human resources needed to enable the Agency to take effective action are made unconditionally available,

G. whereas any action taken by the Agency should at any event comply with the standards of international law, in particular those relating to human rights, the dignity of the human being and of refugees, particularly the right of asylum and the principle of non-refoulement,

H. whereas all the Agency's actions should take into account the need to take the necessary

[1] OJ L 199, 31.7.2007, p. 30.

precautions, and use all necessary means, to respect the most vulnerable, women and children, and in particular unaccompanied minors and people with disabilities,

I. whereas the humanitarian dimension of the action of FRONTEX must be enhanced by ensuring maximum legal certainty, in the context both of rescue operations it has to carry out and of return operations to which it has to contribute,

J. whereas, in the light of their success, operations for the training of the specialist staff involved in the functioning of FRONTEX deserve to be continued, and should in particular be extended to staff from third countries who have to cooperate with the Agency on a daily basis,

1. Calls on the Member States to consider a global approach to the problem of migration, seeking with equal vigour to achieve progress not only in stepping up checks at the Union's borders, in combating illegal immigration and returning illegal immigrants to their home countries, and in combating illegal work and the trafficking of human beings, but also in organising legal immigration and measures to facilitate the integration of legal immigrants, in promoting a global partnership with third countries to promote a positive relationship between migration and development, and in establishing a consistent human rights policy at EU level;

2. Stresses the importance of being aware of the absolute necessity for FRONTEX to be able to count on the availability of the resources placed at its disposal by the Member States, both for its individual operations and for its permanent missions;

3. Calls on the Member States, to that end, to formalise as soon as possible a system of 'compulsory and irrevocable solidarity' to enable FRONTEX, in preparing and completing its missions, to remove the uncertainty as to the extent of the resources it can count on in real time;

4. Calls for the establishment of permanent and operational joint surveillance patrols all year round in all high-risk areas, particularly at sea borders;

5. Calls on the Member States to commit themselves as soon as possible to giving concrete expression to this solidarity principle, particularly by increasing the various material resources it makes available to the Agency and by guaranteeing that they will be unconditionally available in practice;

6. Calls on FRONTEX to send a report to the Council and the European Parliament, detailing in particular the actual use and real availability of the materials listed in the CRATE database, highlighting any difficulties encountered;

7. Calls on the Member States, in the event of persistent insufficient availability of resources, take a rapid decision on altering the scale of FRONTEX's budget to enable it to rent or purchase its own material to carry out its missions;

8. Recalls that the European Parliament, as an arm of the budgetary authority, has already increased FRONTEX's budget since the agency's inception and will ensure that the budget is correctly implemented and adapted to changes in the agency's functions;

9. Welcomes the major cooperation efforts achieved by almost all the third countries with which FRONTEX has been called upon to cooperate on a day-to-day basis, and which have led to very positive results, for example in the Canary Islands;

10. Calls, conversely, on those third countries whose cooperation has been insufficient – or non-existent – to make every effort to facilitate the work of the Agency, particularly by ensuring that their enforcement services cooperate more effectively;

11. Calls on the Member States to permit FRONTEX's mandate to be reviewed so as to eliminate legal vacuums which could hamper its action, setting out in particular the precise legal conditions for its sea rescue operations and for its contribution to return operations, and including the option for third countries to use its equipment, in particular by means of pilot projects from which they would benefit;

12. Considers that such a broadening of the tasks of FRONTEX, and its contribution as part of the daily battle against illegal immigration, could justify the structural development of its logistical and administrative capacities, while complying with the proportionality principle;

13. Considers in particular that, while the rhythm of work and the resources employed do not yet justify creating a large number of decentralised agencies, consideration might be given at this stage to setting up two distinct external offices – one coordinating activities at land borders, the other for sea operations;

14. Stresses the need to carry out training for staff deployed in Agency operations – particularly training in maritime law, asylum law and fundamental rights – including, once its mandate has been widened, for staff from the third countries involved; to that end, encourages FRONTEX to cooperate with other institutions such as the International Organization for Migration, the Agency for Fundamental Rights and the Office of the UN High Commissioner for Refugees;

15. Welcomes the discussion being carried on the Council aimed at setting up the EUROSUR system with a view to optimising the exploitation of all surveillance systems, essentially by extending their existing cover, which currently reaches only part of the areas where operations need to be carried out;

16. Urges, therefore, that work begin without delay on the upgrading of the national surveillance systems and their interconnection as a network, and that – in the interest of coherence – FRONTEX be given the task of assembling the available tools, and in particular of managing the secure web-based Information and Coordination Network for Member States' Migration Management Services (ICONET) and of resuming the work of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI); also insists on the need to further the Agency's cooperation on risk analysis with other European agencies as well as with other international bodies and third country border control authorities;

17. Calls on the Member States to ensure that the concrete needs of the border control services are specifically taken into account in research activities;

18. Stresses the importance of incorporating into the EU's global border management system the proposed new European border control systems: the Electronic System for Travel Authorisation (ESTA), the entry/exit registration system, fast-tracking, etc.;

19. Calls on FRONTEX to take the initiative of creating a common information-sharing environment between the competent national authorities in order to optimise the collection, analysis and dissemination of this sensitive data; calls on the European Security Research and Innovation Forum (ESRIF) to make its contribution to achieving this objective, giving priority in its work to common applications for the improvement of and innovation in surveillance tools;

20. Calls on the Agency to inform the European Parliament on agreements signed with third countries and to publish evaluation reports on joint operations;

21. Instructs its President to forward this resolution to the Council and Commission, the governments and parliaments of the Member States, the Office of the UN High Commissioner for Refugees and the International Organisation for Migration.