

Evaluation and future development of Frontex and Eurosur

P6_TA(2008)0633

European Parliament resolution of 18 December 2008 on the evaluation and future development of the Frontex Agency and of the European Border Surveillance System (Eurosur) (2008/2157(INI))

(2010/C 45 E/08)

The European Parliament,

- having regard to the Communication from the Commission of 13 February 2008 entitled 'Report on the evaluation and future development of the Frontex Agency' (COM(2008)0067),
 - having regard to the Communication from the Commission of 13 February 2008 entitled 'Examining the creation of a European border surveillance system (Eurosur)' (COM(2008)0068),
 - having regard to the Communication from the Commission of 13 February 2008 entitled '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 Member States on 7 July 2008 and endorsed at the European Council of 15 and 16 October 2008,
 - having regard to the Presidency Conclusions of the European Council of 15 and 16 December 2005 concerning the 'Global approach to migration: Priority actions focusing on Africa and the Mediterranean', published in the European Council Presidency conclusions 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,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Development (A6-0437/2008),
- 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 the challenge of illegal immigration is a common European challenge and therefore requires a common European policy,

⁽¹⁾ OJ L 349, 25.11.2004, p. 1.

⁽²⁾ OJ L 199, 31.7.2007, p. 30.

⁽³⁾ OJ C 219 E, 28.8.2008, p. 223.

Thursday 18 December 2008

- C. 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,
- D. whereas the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) is not a panacea for all the problems caused by irregular migration,
- E. 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 providing for sanctions against employers of illegally staying third-country nationals (COM(2007)0249), and against people-trafficking networks, which are an element of organised crime,
- F. whereas there is a high mortality rate linked to illegal immigration and information campaigns need to be conducted with the countries of origin and transit on the risks and fatal consequences of this type of immigration,
- G. 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 Union 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,
- H. whereas the long-term objective of all these instruments (Frontex, Eurosur, the Electronic System for Travel Authorisation (ESTA), the entry/exit registration system, fast-tracking) is the gradual establishment of a European integrated border management system,
- I. whereas the first quantifiable results from Frontex since it launched operations in October 2005 are available, and whereas there is a need to define a medium and long-term strategy, which has become essential at this stage of its development,
- J. whereas Frontex is a first-pillar Community body subject to the principles of full democratic scrutiny and transparency and, as such, has an obligation to uphold and promote the fundamental values of the Union,
- K. whereas the coordinating intelligence-driven operations carried out by Frontex are based on risk analyses and threat assessments made under the secrecy rule,
- L. whereas the Frontex development 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 which coordinates 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 Frontex to take effective action are made unconditionally available,
- M. whereas Parliament has consistently supported Frontex and has voted to increase its budget significantly in order to enable it to have sufficient financial resources to carry out its tasks,

Thursday 18 December 2008

- N. whereas Frontex has embarked on maritime missions off the coast of the Southern Member States, the success of which has varied depending on the level of cooperation of the third countries from which the immigrants depart; whereas the Hera mission off the Canary Islands has been successful and has led to a significant reduction in the number of arrivals, whereas however the Nautilus mission in the central Mediterranean area has not been effective since the number of arrivals has increased rather than decreased,
- O. whereas immigration hotspots in the Southern maritime regions require continuous patrolling by maritime missions that are deployed on a permanent basis,
- P. whereas any action taken by Frontex should in any event comply with international law standards, in particular those relating to maritime law as well as to human rights, human dignity and refugees, particularly the right of asylum and the principle of *non-refoulement*,
- Q. whereas all Frontex's actions should take into account the need to take the necessary precautions, and use all necessary means, to respect the most vulnerable, women (and in particular pregnant women), children (especially unaccompanied minors), older people, and people with disabilities or serious illnesses,
- R. whereas the humanitarian dimension of the action of Frontex must be enhanced by ensuring maximum legal certainty, in the context both of the rescue operations which it has to carry out and of joint returns operations to which it has to contribute,
- S. 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 Frontex on a daily basis in order to train them in sea rescue operations and the recovery of bodies in the event of shipwreck,
- T. whereas border controls do not just focus on unauthorised border crossings, but also on other aspects of cross-border crime, such as trafficking in human beings, drugs smuggling or illicit trade in arms, thus helping to increase internal security as a whole,
- U. whereas Frontex's action cannot be effective without an EU border management policy that incorporates the proposed new EU border control systems, such as the Electronic System for Travel Authorisation (ESTA), the entry/exit registration system, or fast-tracking,
1. Calls on the Member States to consider a global approach to the challenge 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 trafficking in 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. Considers Frontex as an essential instrument in the Union's global strategy on immigration and calls on the Commission to present proposals to review its mandate in order to strengthen its role and make it more effective;

Thursday 18 December 2008

3. 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, notably through CRATE, both for its coordination of the individual joint operations and for its permanent missions; regrets that some Member States have not so far demonstrated sufficient willingness to provide the necessary assets to Frontex and calls on them to do so;
4. Welcomes the adoption of the European Immigration and Asylum Pact by the European Council and its calls for the strengthening of Frontex;
5. Stresses that Frontex should integrate measures to control trafficking in human beings into its work, particularly at the Union's external borders;
6. Calls on the Member States, to that end, to formalise as soon as possible a system of 'compulsory and irrevocable solidarity' subject to feasibility and the current specific needs of each participating country, 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;
7. Calls for the establishment of permanent and uninterrupted operational joint surveillance patrols all year round in all high-risk areas, particularly at sea borders where there is a serious risk of loss of life, the right to life being the first inviolable fundamental right;
8. Stresses the importance of harmonising EC law with other international law applicable in this field, so that the Union can contribute effectively to the efforts required in order to help refugees in distress;
9. Calls on the Member States to commit themselves as soon as possible to giving concrete expression to this solidarity principle, particularly by increasing the material resources it makes available to Frontex, especially in terms of surface assets, and by guaranteeing that they will be unconditionally available in practice in a timely manner;
10. Calls on Frontex to send a report to Parliament and the Council, detailing in particular the actual use and real availability of the materials listed in the CRATE database, highlighting any difficulties encountered and providing full information on which Member States are providing assets and which ones are not;
11. Calls on the Member States, in the event of persistent insufficient availability of resources, to take a rapid decision to alter substantially the scale of Frontex's budget to enable it to carry out its missions and, possibly, to examine the legal aspects of the future renting and/or purchase of materials for that purpose;
12. Recalls that Parliament, as an arm of the budgetary authority, has already increased Frontex's budget since its inception and will ensure that its budget is correctly implemented and adapted to changes in its functions;
13. Points out that EU cooperation with third countries must be based on international obligations concerning the protection of refugees and asylum seekers and, in particular, with the provisions of the Geneva Convention Relating to the Status of Refugees (1951);
14. Welcomes the major cooperation efforts that have been achieved by almost all the third countries with which Frontex has been called on to cooperate on a day-to-day basis, and which have led to very positive results, for example in the Canary Islands; regrets, however, that cooperation on immigration is still lacking in other countries, such as Turkey and Libya;

Thursday 18 December 2008

15. Urges the Union to include, as part of its negotiations with third countries, the need for greater cooperation by third countries in the field of immigration, and calls on those third countries whose cooperation has been insufficient — or non-existent — to make every effort to facilitate Frontex's work, particularly by ensuring that their enforcement services cooperate more effectively;

16. Calls on the Commission and on Member States to redouble their efforts to achieve a higher level of cooperation from third countries, notably through the negotiation of readmission agreements; considers that immigration should be an intrinsic part of any negotiations of agreements with third countries which are countries of origin or of transit;

17. Stresses the need for Frontex, in cooperation with third countries, to take due account of the opinions of those Member States which have had the most experience in tackling illegal immigration issues relating to the countries in question; participation by a third country in any joint Member State operation coordinated by Frontex must be subject to the approval of the Member State hosting the operation;

18. Calls for the mandate of Frontex to explicitly include an obligation to meet international human rights standards and a duty towards asylum seekers in rescue operations on the high seas, and for cooperation with the United Nations High Commissioner for Refugees (UNHCR) and other relevant non-governmental organisations to be formalised within the mandate;

19. Is concerned that third-country nationals may lack adequate means to monitor whether personal information on them gathered in the planned 'system of systems' of the EU is handled in accordance with the principles of data protection law applicable in the Union; calls on the Commission to clarify to what extent personal data will be made available to third-country administrations;

20. Calls for Frontex's competences to be extended so that it can be encouraged to carry out projects and operations in third countries, inter alia in order to strengthen the effectiveness of working agreements and identify the needs for capacity building with regard to border management in third countries;

21. Calls on Frontex to strengthen and take up its key role in supporting joint return operations and all the aspects involved in these procedures and, in a spirit of solidarity, calls on Member States to involve Frontex when planning and organising joint return flights and identifying the need for joint returns;

22. 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;

23. Calls on the Commission to fully evaluate Frontex's activities with regard to their impact on fundamental freedoms and rights, including the 'responsibility to protect';

24. Calls for training of Frontex staff regarding the various gender dimensions that arise in the context of its work;

25. 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;

Thursday 18 December 2008

26. 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 —, bearing in mind that land migratory routes on the Eastern border will increasingly represent a major challenge in the future and should deserve increased attention and means;
27. Calls on the Commission and the Member States to consider the feasibility of an EU border guard system;
28. Stresses the need to carry out training for staff deployed in Frontex 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 European Union Agency for Fundamental Rights and the UNHCR, the UN body responsible for the Law of the Sea and NGOs as well as other associations with experience and know-how in these areas;
29. Calls on the Commission to organise information campaigns on best practice in the Member States on the risks of illegal immigration;
30. Welcomes the current discussions in the Council aimed at setting up the Eurosur border surveillance 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;
31. 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) ⁽¹⁾ and of resuming the work of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (Cirefi) as mentioned in the Council Conclusions of 30 November 1994;
32. Calls for Frontex to further its cooperation on risk analysis with Europol and other European agencies, as well as with other international bodies and third country border control authorities, especially in the context of breaking international trafficking rings and bringing to justice persons involved in trafficking in illegal immigrants; also considers it essential that there be a mechanism enabling Frontex to transfer key intelligence to those who can make best use of it;
33. Calls on the Member States to ensure that the concrete needs of the border control services are specifically taken into account in research activities;
34. Considers the objective of truly integrated EU border management as legitimate and agrees that is important to continuously develop and strengthen the EU's common policy on border management; stresses, however, the need for an evaluation and assessment of existing systems and those under preparation before moving ahead with the new building blocks as proposed by the Commission in its abovementioned Communication entitled 'Preparing the next steps in border management in the European Union'; insists furthermore on a comprehensive master plan, setting out the overall architecture of the EU's border strategy as well as the details for how all related programmes and schemes are supposed to collectively function and how the relationship among related programmes can be optimised;

⁽¹⁾ Council Decision 2005/267/EC of 16 March 2005 (OJ L 83, 1.4.2005, p. 48).

Thursday 18 December 2008

35. 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 sensitive data; calls on the European Security Research and Innovation Forum (ESRIF) to make its contribution to achieving that objective, giving priority in its work to common applications for the improvement of, and innovation in, the field of surveillance tools;

36. Calls for the strengthening of the democratic control of Frontex by Parliament, and calls on Frontex to inform Parliament of negotiations to conclude agreements signed with third countries, to present tactical assessments focused on particular border regions, and to publish evaluation reports on joint operations and other coordinated missions, risk analyses, feasibility studies and statistics on migration trends; points out that democratic oversight of Frontex's activities would, among other things, enhance its legitimacy; nevertheless the information published in those reports should not contain confidential data that may affect ongoing operations;

37. Calls on the Commission to clarify which range of logistical support on border surveillance is intended for neighbouring third countries as mentioned under step 3 of Phase 1 of Eurosur;

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

Impact of counterfeiting on international trade

P6_TA(2008)0634

European Parliament resolution of 18 December 2008 on the impact of counterfeiting on international trade (2008/2133(INI))

(2010/C 45 E/09)

The European Parliament,

- having regard to the 2007 report by the Organisation for Economic Cooperation and Development (OECD) entitled 'The economic impact of counterfeiting and piracy',
- having regard to the Communication from the Commission of 10 November 2005 entitled 'Implementing the Community Lisbon programme — a modern SME policy for growth and employment' (COM(2005)0551),
- having regard to the Communication from the Commission of 4 October 2006 entitled 'Global Europe: competing in the world — A Contribution to the EU's Growth and Jobs Strategy' (COM(2006)0567),
- having regard to the Communication from the Commission of 18 April 2007 entitled 'Global Europe: a stronger partnership to deliver market access for European exporters' (COM(2007)0183),
- having regard to its resolution of 19 February 2008 on the EU's Strategy to deliver market access for European companies ⁽¹⁾,
- having regard to its resolution of 22 May 2007 on Global Europe — external aspects of competitiveness ⁽²⁾,

⁽¹⁾ Texts Adopted, P6_TA(2008)0053.

⁽²⁾ OJ C 102 E, 24.4.2008, p. 128.