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Examining the creation of a European Border Surveillance System (EUROSUR)

Summary of the Impact assessment

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1. INTRODUCTION

In the Communication COM(2006) 733 of 30 November 2006 on Reinforcing the Management of the EU's Southern Maritime Borders, the Commission proposed to create a *European Surveillance System for Borders (EUROSUR)*. The European Council of 14/15 December 2006 stated that "*priority will be given to examining the creation of a European Surveillance System for the southern maritime borders*".

In response to these European Council conclusions, this report examines the different policy options for the creation of a European Border Surveillance System. This assessment has been drafted as a result of numerous contacts between different Commission services as well as FRONTEX and other relevant agencies.

In June 2007, the Commission presented to the Member States a first outline on how to set up a European Border Surveillance System in 3 phases between 2008 and 2013. In two technical meetings in July and October 2007, the Member States welcomed the approach chosen and agreed that EUROSUR should not only cover the *southern borders*, but also the *eastern borders* of the EU.

2. STATE OF PLAY AND PROBLEMS

Built around the three pillars of common legislation, common operations and financial solidarity, a number of key steps were already taken with the adoption of the Schengen Borders Code, the Practical Handbook for Border Guards (Schengen Handbook) and the rules for local border traffic, the establishment of the FRONTEX-Agency, the creation of the Rapid Border Intervention Teams and the creation of the External Borders Fund. Furthermore, in order to cope with the current migration pressure in the Mediterranean Sea and the Canary Islands, the European Patrols Network (EPN) is currently being set up.

In addition to these measures, the creation of a European border surveillance system should enable the Member States to respond to the following challenges in a more coherent and efficient manner:

2.1. Challenges

• Loss of life at sea

Many illegal immigrants and persons in need of international protection are travelling in conditions of extreme hardship and are taking great personal risks in their attempts to enter the EU illegally. Especially the recent practice of travelling on board of unseaworthy and overcrowded boats has multiplied drastically the number of unfortunate migrants and refugees who are losing their lives by drowning in the Atlantic Ocean between Africa and the Canary Islands and in the Mediterranean Sea.

The actions being considered in this assessment should improve the capacity to detect small boats in the open sea, leading to more search and rescue activities and thereby saving more lives at sea.

• Illegal immigration

In particular the southern EU Member States are currently facing a considerable number of illegal migrants using routes going through Northern Africa and the Mediterranean Sea to reach European shores.

The actions being considered in this assessment should provide the authorities responsible for border control in the Member States with more timely and reliable information to detect, identify and intercept those attempting to enter the EU illegally, thereby reducing the number of illegal immigrants who manage to cross the external borders of the EU undetected.

- **Terrorism and organised cross-border crime**

An effective border management system both at national and European level serves not only to prevent unauthorised border crossings, but is also a valuable tool to counter cross-border crime such as terrorism, trafficking in human beings, drug smuggling, illicit arms trafficking etc.

2.2. Problems

When responding to these challenges, Member States are currently faced with a number of shortcomings:

- For the time being, national surveillance systems are covering with permanent and mobile surveillance means only a few, selected parts of the EU external borders.
- Due to technical (current performance of radar sensors, limited availability/resolution of satellites) and financial limitations, the areas covered by surveillance are currently restricted to certain flat or coastal areas and those areas of the land border or open sea in which operations are carried out.
- Technical solutions have in particular to be found for the current inability to detect and track small vessels, which are used for smuggling people and drugs into the EU.
- As soon as border controls in one area have been reinforced or one illegal immigration route has been closed down, the smuggling networks will use other methods and techniques or re-route their operations and so the transfer of the migratory pressure to other Member States or third countries not prepared to face them.
- Whereas land border control can focus on the border line, the maritime borders are a vast space which is filled with a huge number of legitimate activities such as fishing, commercial shipping, and pleasure boating that can nevertheless be easily exploited for unlawful purposes.
- The migration pressure presents considerable challenges not only for the Member States on the northern, but also for the third countries located on the southern shores of the Mediterranean Sea in terms of detection, apprehension, reception and further processing and readmission of migrants.

In order to address these problems it is necessary to envisage a common technical framework to support Member States' authorities to act at local level, command at national level, coordinate at European level and cooperate with third countries in order to detect, identify, track and intercept persons attempting to enter the EU illegally outside border crossing points.

A European Border Surveillance System should support the Member States in reaching full *situational awareness* on the situation at their external borders and increase the *reaction capability* of their national law enforcement authorities. Such a framework should be set up without affecting the respective areas of jurisdiction of Member States nor harmonising or replacing any existing systems. A key operational

objective should be to interlink different systems, while paying attention to geographical circumstances and differences between types of borders, in particular between land and maritime borders.

3. **POLICY OBJECTIVES**

The Commission has identified the following policy objectives:

- Reduction of the death toll of illegal immigrants by rescuing more lives at sea.
- Reduction of the number of illegal immigrants who manage to cross EU external borders undetected outside border crossing points.
- Increase internal security of the EU as a whole by contributing to the prevention of trafficking in human beings, drug smuggling, terrorism etc.

4. **POLICY OPTIONS**

Three different policy options have been identified:

Policy Option 1: A status quo policy option involving no new actions.

Policy Option 2: This option includes four different actions focusing on interlinking and streamlining existing surveillance systems and mechanisms at Member States level.

Policy Option 3: This option comprises the actions listed in option 2 plus four additional actions, which promote the development and implementation of common tools and applications for border surveillance at EU level.

Policy Option 4: This option consists of all actions listed in options 2 and 3 plus one additional action, aiming at the creation of a common information sharing environment for the maritime domain by developing an integrated network of surveillance systems.

Table – Overview of Policy Options

Policy option	Description of policy option
Policy Option 1	No changes are made to the current situation other than those that are already planned and confirmed.
Policy Option 2 Interlinking and streamlining existing surveillance systems and mechanisms <u>at Member State level</u>	<p>1. Providing the essential infrastructure at national level through streamlining of command and coordination mechanisms by setting up a national coordination centre and a national surveillance system in each of the Member States located at the EU southern maritime and eastern land borders to cover all or selected parts of the external borders.</p> <p>2. Interlinking the national infrastructures in a communication network for regular information exchange and coordination of activities between Member States' authorities as well as with FRONTEX.</p> <p>3. Logistical and financial support to neighbouring third countries in setting up an infrastructure comparable to the one described above (surveillance system; coordination centre; assets for interception).</p>
Policy Option 3 Development and implementation of common tools and applications for border surveillance at EU level	<p>All measures mentioned under Policy option 2 plus:</p> <p>4. Research and development to improve the performance of surveillance tools (e.g. UAVs, buoys, etc.) to increase the area covered and the number of suspicious activities detected within as well as to improve confidence in identification of potentially suspicious targets so as to optimize the subsequent interventions.</p> <p>5. Common application of surveillance tools (e.g. satellites, UAVs, planes) to provide Member States' authorities with surveillance information on their external borders and the pre-frontier area on a more frequent and reliable basis. FRONTEX could act as a facilitator e.g. to liaise with service providers in order to receive satellite imagery or to co-ordinate the use of UAVs along the eastern land borders.</p> <p>6. Development of a "common pre-frontier intelligence picture" to enable a targeted intelligence reaction: For example on the basis of intelligence received, a target utilised for a criminal activity has been identified abroad and is being tracked (by using satellites or ship reporting systems) until interception on EU territory.</p>
Policy Option 4 Creation of a common information sharing environment	<p>All measures mentioned under Policy options 2 and 3 plus:</p> <p>7. Creation of an integrated network of surveillance systems for the Mediterranean Sea, the southern Atlantic Ocean (Canary Islands) and the Black Sea, in which information from ship reporting systems, surveillance systems and tools and other sources is being collected, fused, analyzed and disseminated for internal security purposes, linking not only the border control authorities, but all authorities involved in maritime affairs together through a "common operational picture".</p> <p>8. Extension of the above mentioned network to the northern Atlantic Ocean, North Sea and Baltic Sea to create a common information sharing environment for the EU maritime domain, covering all aspects of maritime safety and security with the general framework of the EU Maritime Policy.</p>

5. COMPARISON OF THE POLICY OPTIONS

A comparison of the options based on effectiveness and likely impacts indicates that:

Policy Option 1: If no changes are made to the current situation, there would be an absence of synergies and economies of scale due to the lack of links between the different systems. As a result of ad hoc and incoherent information sharing between Member States, overlaps in the collection of information are likely to occur. Research projects would be conducted without a clear policy vision.

Policy Option 2: This option, which focuses on upgrading and streamlining existing surveillance systems and mechanisms at Member State level, would contribute to all three policy objectives.

Policy Option 3: This option would also address all three policy objectives by developing common tools and applications at European level.

Policy Option 4: This option builds upon the actions proposed in the two previous options and combines them in a coherent framework. Taking into account the complexity and financial impact of this option, it should be limited to the Mediterranean Sea (including Canary Islands) and the Black Sea in first step.

6. THE PREFERRED OPTION

Each of the steps proposed in the different options contributes to reaching the policy objectives in different ways. They are consistent with each other and will, if a phased approach is applied, gradually contribute to the achievement of all objectives.

The preferred policy actions are steps 1 to 7 as proposed under policy options 2, 3 and 4. However, at this stage these steps cannot be defined as concrete actions, but rather as forming a roadmap providing the main parameters for the development of a European Border Surveillance System. Therefore for a number of the steps identified further studies have to be carried out before concrete actions can be taken.

The creation of an integrated network of surveillance systems for internal security purposes in the Mediterranean Sea, the southern Atlantic Ocean (Canary Islands) and the Black Sea could serve as a precursor for a common information sharing environment for the whole maritime domain of the EU covering all aspects of maritime security and safety.

7. MONITORING AND EVALUATION

The impact assessment indicates potential indicators to monitor the extent to which the specific and operational policy objectives have been met. Certain indicators will have to be defined in the studies identified in the Communication.