Report on the implementation of programmes, ad hoc centres, pilot projects and joint operations

Council of the european union

Édition électronique

URL : <http://journals.openedition.org/conflits/952>

DOI : 10.4000/conflits.952

ISSN : 1777-5345

Éditeur :

CCLS - Centre d'études sur les conflits liberté et sécurité, L'Harmattan

Édition imprimée

Date de publication : 15 mars 2003

Pagination : 169-193

ISBN : 2-7475-5162-8

ISSN : 1157-996X

Référence électronique

Council of the european union, « Report on the implementation of programmes, ad hoc centres, pilot projects and joint operations », *Cultures & Conflits* [En ligne], 50 | été 2003, mis en ligne le 30 septembre 2003, consulté le 30 mars 2021. URL : <http://journals.openedition.org/conflits/952> ; DOI : <https://doi.org/10.4000/conflits.952>

Ce document a été généré automatiquement le 30 mars 2021.

Creative Commons License

Report on the implementation of programmes, ad hoc centres, pilot projects and joint operations

Council of the european union

I.INTRODUCTION

Taking into account the Communication by the European Commission to the Council and the European Parliament¹ concerning the integrated management of the external borders of the Member States of the European Union (7.5.2003), the "feasibility study" on the creation of a European Border Police, and the outcomes of the workshop on Police and border security under the auspices of OISIN programme, the Plan for the management of external borders (thereafter referred to as "Plan"), was approved on the 13 June 2002 by the JHA Council as a practical guide, which contains a series of measures to be implemented in the short-term and in the long-term in order to achieve a level of security at the external borders of Member States (doc 10019/02).

This Plan seeks to improve the coordination of operational activities of those in charge of the control and surveillance of the external borders of the EU, within the framework of an integrated strategy. To achieve these aims, mechanisms of operation and cooperation are proposed such as :

The implementation of pilot operational programmes

Common operations at the external borders

The European Council of Seville, on the 21 and 22 of June 2002, applauded the approval of the Plan for the management of the external borders of Member States and requested, among other things, the implementation of joint operations at the external borders and the immediate initiation of pilot projects open to all interested Member States before the end of 2002.

It also requested the preparation of a Common Risk Analysis Model, in order to achieve a common and comprehensive risk evaluation and the establishment of a common core curriculum for border guard training before June 2003.

In the course of the implementation of the above operations-projects by SCIFA+ and in the context of discussions concerning the reinforcement of its operational role, it was considered necessary to evaluate the results of these programmes. This evaluation will be prepared by the Council in cooperation with the Commission.

This report is of primary importance in order to be able to take an inventory and evaluate the development of measures-actions undertaken at the initiative of Member States in the context of implementing the Seville Conclusions and the Plan for the Management of the external borders of the EU.

On the basis of this, a Report will be submitted to the European Council of Thessaloniki which should determine the future tasks of the Common Unit as well as the guidelines for the processes to be pursued at Community level, in order to achieve the objective of the comprehensive management of the external borders.

II. BACKGROUND

During the second half of 2002, SCIFA+ approved the following programmes, which were initiated by Member States in implementing the Seville conclusions.

A) Main programmes

Establishment of a Common Risk Analysis Model (CIRAM), with Finland as the leading country.

Creation of a Common Core Curriculum for border guard training with Austria and Sweden as the leading countries.

B) Ad hoc Centres

Centre for land borders for exchanging personnel and implementing common operations in selected points of the external borders, in order to harmonise and improve the practices of the competent national units, with Germany as the leading country.

Centre of excellence at Dover for developing new technologies to facilitate controls at border crossing points and their surveillance, with the UK as the leading country.

C) Pilot Projects

Standardisation of security measures concerning the repatriation of aliens by ship, airplane and other means, with France as the leading country.

Coordinated investigation of transnational crime through harmonization of work methods, information exchange and establishment of common investigation teams, with France as the leading country and the support of Europol.

Implementation of a pilot project in international airports for the creation, in real time, of a database and the exchange of information and personnel, with Italy as the leading country.

Implementation of Project DENIZ, which involves the secondment of experts from Member States to Turkey, with a view to developing cooperation skills so that preventive action will be taken against trafficking of illegal immigrants by sea, with the UK as the leading country.

Establishment of a group of national experts, to be seconded to Serbia and Montenegro, following a similar operation in Bosnia-Herzegovina (IMMPACT 2), in order to provide training and advice on matters of illegal immigration, with the UK as the leading country.

D) Common operations

Sea borders

Operation Ulysses, with Spain as the leading country.

Operation Triton, with Greece as the leading country.

Operation RIO IV, with Spain as the leading country.

Operation ORCA with Norway as the leading country.

Land borders

Monitoring of the eastern external land borders, with Greece as the leading country.

Air borders

Operation RIO III, with Denmark as the leading country.

On March 2003, the Greek Presidency presented to SCIFA a Progress Report (doc. 7504/03) containing the actual state of play of the above programmes and requested leader countries to submit, by 20 April 2003, their final reports on the implementation and results of the projects.

For this purpose, the Greek Presidency distributed a document with guidelines for achieving a uniform drafting (doc. 8203/03).

Europol was requested to provide to the Presidency the evaluation reports for the projects in which it was involved. Following this request, Europol sent evaluation reports on operations Triton and RIO III to the Presidency. Evaluation reports for projects Ulysses and RIO IV are still pending.

Representatives from acceding countries have been invited to participate in several of the above mentioned programmes.

III. AIMS AND PURSUITS

Following the proposals by heads of delegations of Member States, presented for approval at SCIFA+, the Plan for the management of external borders of Members States sets out the following main aims and pursuits in relation to the short term measures, and the specific actions :

The harmonization and improvement of practices of national units responsible for checks and surveillance at external borders (point 33 of the Plan). This aim is being implemented by the Centre for land borders, the project on the coordinated criminal investigation related to cross border crime, the project on international airports plan, as well as all the common operations on sea, land and air borders.

The better operational consistency between activities at the external borders and activities within the common area of freedom of movement (point 34 of the Plan). This aim will be achieved with the project for the rational repatriation procedures, the implementation of the project on international airports plan as well as common operations.

Regular follow-up between those responsible for management and operational forecasting regarding staff and equipment deployment (point 35 of the Plan). This aim is intended to be implemented via the Centre for land borders and the Centre of Excellence in Dover.

The creation of a system which will allow external border practitioners to use a common integrated risk analysis in order to prioritise and coordinate the operational goals at EU level (points 97-98 of the Plan). This aim will be accomplished via the Common Risk Analysis Model (CIRAM), and the Risk Analysis Centre (RAC).

The establishment of a Common Core Curriculum for border guard training (points 103-104 of the Plan). This aim is being accomplished with the implementation of the programme bearing the same name.

IV. IMPLEMENTATION RESULTS

This chapter takes into account the contributions by Member States, developed on the basis of the Greek Presidency document 8203/03, as well as other sources, such as Europol evaluations, where available, the Seville conclusions, the measures included in the Action Plan for the management of the external borders

A. Main Programmes

The Common Risk Analysis and Common Core Curriculum are both considered to be very important since these programmes are mentioned explicitly in the Seville Conclusions, and they relate to activities in all kinds of external borders. Their results have been presented and approved by SCIFA+.

1. Common Risk Analysis Model (CIRAM)

Up to the present, Member States have not been able to base their joint measures on a common risk analysis. This deficiency in focus was clearly noted in the Action Plan for the management of the external borders and consequently underlined by the Seville European Council.

The project on the creation of a common risk analysis model has been led by Finland with the participation of 9 further Member States (Belgium, Denmark, France, Germany, the Netherlands, Norway, Spain, Sweden, and United Kingdom), the Commission and Europol. The risk analysis provides a comprehensive process that is defined in a Common Integrated Risk Analysis Model (CIRAM) which is a systematic and continuous process including the content, the matrix structure, the systematic measures to process relevant information and the body that carries it out.

It was approved by SCIFA+ on 23 June 2002, while the deadline set by Seville European Council was the end of year 2002.

By using CIRAM border management experts can collect, analyse and distribute information first and foremost to the Common Unit. Problem-orientated risk analyses (including proposals on joint measures) are the end products of the CIRAM that help the Common Unit to decide upon joint operational measures and synchronise these with national efforts. In other words, the CIRAM will pave the way for more cost-effective and well-timed border management, and thus it can improve the effectiveness of the counter-measures against cross-border crime.

CIRAM has been developed to meet with the specific needs of border management and together with the ad hoc Risk Analysis Centre, approved also by SCIFA+, form a joint body that implements the model (see chapter on ad hoc centres).

As a conclusion, the project Common integrated risk assessment corresponds with the basic (short-term) objectives of points 98-99 of the Plan for the management of EU external borders. In addition, the project (CIRAM & RAC) currently responds to some medium term objectives of the Plan (e.g. point 100 and some aspects of point 101) and forms a good basis for the implementation of other medium term objectives. Regarding the medium term objectives in general, success depends primarily on the activity and the operational capability of the Common Unit (SCIFA+) and the level of commitment by Member States to the implementation of CIRAM.

2. Core Curriculum

One of the objectives of the Action Plan involves the creation of a Core Curriculum Programme for border guard training and the regular establishment of training sessions.

This programme will be based on the network of national training institutes and will provide recommendations, specifications and rules to be followed by Member States. It is of particular importance, since it seeks to determine minimum adequate standards of training for border guards, thus giving the possibility to Member States of following uniform procedures in this field.

The Core Curriculum is based on 8 main training fields. Training activities concerning basic training of the three categories of officers shall, as a rule, be organised and carried out by Member States on a national level under their own responsibility. For the performance of supplementary tasks (Advice, System-Monitoring, Adaptation and Multiplier Training) - a Common Integrated Unit (CIU), composed of experts from all participating countries and supported by National Management Teams (NMT), responsible for the national implementation of the Core Curriculum, should be implemented.

The Model of Common Core Curriculum fulfils the objectives set by points 39, 103 and 104 of the Plan, since the results of the common exercise gave a clear set of conclusions and recommendations and a set of rules on how to implement the curriculum in a binding manner that still provides for a partnership approach between all participating countries.

B. Ad hoc Centres

Despite the lack of a suitable legal basis, it was considered desirable to establish certain ad hoc centres of cooperation, in order to coordinate the specialised measures/actions of the Plan. In view of future structural changes within the European Union, a more coherent and permanent treatment of the subject must be secured, so as to ensure that centres will continue to implement their mission.

Up until now, the following Centres operate on the basis of guidelines which have been set by them and approved by SCIFA+.

1. Centre for land borders :

The task of the Centre for land borders is to test, coordinate and evaluate operational co-operation in the practical management EU land borders. The Centre is intended as a permanent institution.

Up until now, joint operations at the external borders of the EU and exchanges of border control officers to focal point offices, have been implemented in order to :

improve surveillance and control at the external borders of the EU,

create a more effective, uniform border control standard,

deter illegal immigration and human trafficking effectively

support candidate countries in their efforts to adapt their border control systems to the Schengen standard.

The following EU Member States actively participate in the Centre for land borders :

Austria, Denmark, Finland, France, Germany, Greece, Italy, Netherlands, Portugal, Spain, Sweden, United Kingdom and Norway as a Schengen-associated country. The European Commission is regularly present at the meetings of the Centre for land borders.

Since the 3 April 2003, acceding countries, such as the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland and Slovenia have been participating as observers.

The "Guidelines" approved by the participating countries provide a framework for the functioning of the Centre, the joint operations, the focal point offices and the reporting system.

On the basis of risk analyses, the Centre for land borders has carried out four joint operations at the Polish/German, Slovakian/Austrian, Czech/German and Slovenian/Italian borders. Participating countries have also agreed to set up focal point offices (FPO) for staff exchange measures which would last for a longer period of time. The intention is to integrate guest officers from other EU Member States into the general operations of these offices along the external EU borders, for up to six months, and to illustrate local characteristics and working methods to them.

The legal basis for the deployment of guest officers (Art. 7 and Art. 47 of the Schengen Implementing Agreement with the exception of officers from the UK), has not been appropriate as a legal framework for joint operational measures. Their usefulness for operational cooperation is limited, because they do not confer any executive powers to guest officers, thus restricting their deployment in joint teams. Since the participating countries - with the exception of Germany - do not have any national provisions, a Community act regulating the following issues would be desirable :

Conferring of executive powers to guest officers by placing them under the control of the competent national border control services (thus respecting the national sovereignty of the relevant host country).

Wearing of uniforms and carrying of arms for self-defence.

Liability under civil law covering damage caused or suffered by the guest officer

Liability under criminal law of the guest officer, possibly immunity.

Access to data systems of the host and sending authorities and the possibility of data exchange.

Based on its experience, the secretariat of the Centre for land borders will draw up a proposal, which will be submitted to the European Commission so that it can draft a legal act.

The added value of the activities of the Centre for land borders lies in understanding that practical, operational cooperation between different European border control services is practically feasible, legally possible and economically reasonable.

Joint operations are intended to improve control of migratory flows. From a political point of view, joint operations, i.e. the presence of officers from other EU Member States at border crossing points and in surveillance measures, were welcomed by the population at large and were considered as a visible contribution to a common Europe.

From an economic point of view, it seems sensible to make these joint activities more permanent, to create pools of specialists and to implement individual measures over a longer period of time. This would reduce travel expenditure and make the work of guest officers more effective.

In the future, further intensification of practical border police cooperation will have to be considered.

Future operations will be planned and implemented in cooperation with the Finnish Risk Analysis Centre which will provide risk and threat analyses.

Joint operations between the Centre for land borders and the Centre of Excellence in Dover will be carried out at several border crossing points of the external border of the EU, in Germany, starting in spring/summer this year and using passive millimetre detection technology.

2. Risk Analysis Centre (RAC) :

The Risk Analysis Centre (RAC) is the Unit, introduced by CIRAM, which carries out the common integrated risk assessment. Thus, the main objective of the RAC is to produce periodical and tailored risk analyses by applying CIRAM. Two periodical risk analyses will be produced annually, covering all the external borders. Tailored risk analyses are made in accordance with tasks given by the Common Unit.

The Common Unit, that draws up relevant operational guidelines and gives tasks to RAC, exercises the operational command and control of RAC. Finland (the Frontier Guard) is in charge of the practical management of RAC.

As regards operational actions and reporting, its director works under the authority of the Common Unit (SCIFA+).

The support group brings together observers from Member States, Europol and the Commission. It acts as a link between RAC and Member States and also provides RAC with practical support from Member States and Europol. It also ensures that analysis proceeds smoothly.

In addition to the permanent Finnish expert, Austria, Germany, Italy, the Netherlands and Norway have seconded permanent experts to RAC. The support group consists of observers from Austria, Belgium, Denmark, Germany, France, Italy, the Netherlands, Norway, Spain, Sweden, Portugal, the European Commission and EUROPOL.

The project is not currently open for candidate and acceding countries. Their involvement will be positively considered after the first analyses have been made.

RAC commenced the analysis work in Helsinki on 1 April 2003. The first risk analysis will be submitted to the Common Unit (SCIFA+) on 12 June 2003, subject to Member States' national contributions being received by the deadline of 30 April 2003.

As a conclusion, the project of Common integrated risk assessment corresponds with to basic (short-term) objectives of points 98-99 of the Plan for the management of EU external borders. In addition, the project (CIRAM & RAC) currently responds to some medium term objectives of the Plan (e.g. point 100 and some aspects of point 101) and forms a good basis for the implementation of other medium term objectives. Regarding the medium term objectives in general, success depends primarily on the activity and the operational capability of the Common Unit (SCIFA+) and the level of commitment of Member States to the implementation of CIRAM.

3. Centre of Excellence - Dover :

The objective of this project is to strengthen the EU external border by using modern search technology to combat illegal and, in particular, clandestine immigration.

The UK's initial project proposal was to use technological expertise acquired, pooled with similar expertise from other Member States, to conduct targeted short-term operations at the external EU border, managed from a virtual centre at Dover, where the majority of our expertise is located. These operations would be subject to operational needs identified by intelligence colleagues, both in participating Member States and CIRAM. Mobile teams made up of staff from these States could be deployed at short notice at any location on the external border. The "Centre" in Dover would

closely monitor the activities of the teams, with results analysed on a regular basis and reported back to the Commission and other Member States through SCIFA+.

- Participants : Finland, Germany, Ireland, Austria, Netherlands, Portugal, France and Greece.

- Norway and Denmark have also expressed interest.

- Acceding countries : Poland has taken part in the initial phase. Malta has also expressed interest.

In a conference held on 26-27 November 2002, widespread support was given for the UK's proposal, but opinions on the focus of the project were divided. Some felt that the centre should merely act for the exchange of information. It could be a reference point for expertise on detection technology, advising Member States on the latest developments and the most suitable equipment for their requirements as well as offering training on individual technologies. Other delegations, however, supported the original proposal, as approved by SCIFA+, for joint operations at the external border, though it was suggested that participation at the Centre should take place at the invitation of Member States and could be for demonstration purposes as well as to actually conduct search operations.

However, the UK recognises that it would take some time to establish the Centre at Dover. This has not been helped by the response from the Commission to the application for ARGO funding. Therefore, the UK amended the project profile, and now plans the use of detection technology in support of other approved projects, for example the German Centre for Land Borders.

Despite the setback in respect of ARGO funding, the project continues to receive support from Member States prepared to find other means of utilising the UK's expertise in clandestine detection technology.

C. Pilot Projects

The objective of these projects is to improve the current operational standards and procedures, which will help in the compilation of a practical guide which should become the basis for a common training.

Standards, procedures, common training and databases utilised will be checked and updated regularly via the establishment of joint operational units.

These programmes can include common operational practices, such as the creation of a remote access database in real time and the exchange of specialized personnel.

1. Rational Repatriation :

France offered to lead a project to rationalise expulsion measures by means of group flights, which was approved by SCIFA+ on 22 July 2002.

The aim of this project is to facilitate the organisation of joint repatriation operations by Member States, in particular by adopting a protocol on the security measures to be applied during such operations.

All the Member States of the Union, plus Norway, participate in the project. Representatives of the European Commission have also played an active part in the proceedings.

As the project has evolved, Member States have confirmed their interest in :

Organising group flights for the return of third-country nationals illegally present in the European Union ;

Increasing their knowledge of Member States' legislation and practices, while continuing operational cooperation in bilateral or multilateral return operations.

While the ultimate aim is to harmonise security rules at Community level, a memorandum of understanding has already been signed between France and Germany, negotiations are under way with the United Kingdom and negotiations are to begin with other partners. This harmonisation, together with the carrying out of joint operations, should also help to improve the effectiveness and security of return operations through the use of group flights within the framework of a Community instrument.

The implementation of joint return operations, based on harmonised practices and methods which respect fundamental human rights corresponds to the objectives laid down in the Plan (points 34 and 74-77).

2. Cross-border crime :

This project examined also by SCIFA+ was approved on 16 September 2002.

The aim is to set up a coordination centre for investigations into offences connected with illegal immigration and cross-border crime, in order to coordinate the joint action by all Member States at European level to dismantle international illegal immigration networks.

The aim is not to create a new structure, but to set up operational procedures for :

The identification of a contact point in each State wishing to participate in the scheme so that an operational network of experts can be established.

The introduction of procedures for the exchange of information.

The establishment of a network of associated investigators in conjunction with Europol.

The compilation and distribution of documentation on operations carried out.

All Member States of the Union and Norway participate in the project. Representatives of the European Commission and of Europol have also taken an active part in the proceedings.

The implementation of the project has so far served to confirm the interest of some Member States in setting up the Coordination Centre for investigations into offences connected with illegal immigration and cross-border crime.

The ultimate aim should be to institute many more operational cooperation measures for the dismantling of criminal organisations with all the countries of the Union.

The project corresponds to the objectives laid down in the Plan (points 34 and 78-80).

3. International Airports Plan :

The Project aims at setting up a common Standardised Type of Organization for International Airports in order to improve border checks through standard control procedures. It provides for the creation of a system for the exchange of information and personnel.

It was initiated and led by Italy on 14 October 2002 with the participation of Austria, France, Denmark, Germany, Greece, Portugal, the Netherlands, Spain, Sweden and the United Kingdom. At a later stage, delegates from candidate countries such as Hungary, the Czech Republic, Poland and the Republic of Latvia participated as observers.

Five phases of the project have already taken place. Moreover, a further phase (the sixth) is envisaged, that foresees the experimental establishment of an "Air Border Centre". It was proposed to set up this centre temporarily in Italy, from 1 June to 30 November 2003.

An evaluation by EUROPOL or other authorities will be given on the basis of the information collected during the experimental phase (the sixth).

The added value of the project "International Airports Plan", from the operational point of view, is the establishment of a network project, which focuses mainly on organisational issues and corresponds to the points 33,34, 60-64 of the Plan.

The "International airports Plan" sets out implementation proposals aimed at the establishment of an "ad hoc centre" within a border control management at international airports.

4. Sea Borders Project with Turkey (Project Deniz) :

Project *Deniz* is a UK-led, intelligence-focused project that seeks to take proactive enforcement action in Turkey, a major source and transit country for illegal maritime migration, and against the organisers behind it.

Based on reliable and timely intelligence, *Deniz* will seek to bring about, during the summer of 2003, a specific targeted exercise aimed at detecting the movement by sea of clandestine migrants. Where possible, this exercise will be coordinated with a simultaneous operation by the Turkish authorities aimed at arresting one or more of the principal organisers behind maritime illegal migration.

Although the war in Iraq has delayed progress slightly, and while Turkey understandably remains focused on its eastern borders and the Kurdish situation, the UK is optimistic that the original aims can be met.

The UK is meeting most of the costs of this project. The European Commission has, however, been approached with a view to seeking financial support from existing budgets to meet the cost of detention and repatriation of those illegal migrants detected during the maritime exercise. As yet there is no firm indication that this approach has been successful. The availability of this kind of focused financial support is, of course, a vital tool in seeking the cooperation of a source and/or transit country.

This is a short-term, clearly focused project that has attracted support from the Turks, and offers clear benefits to them in terms of enhancing their ability to detect illegal migrants.

As with other projects of this sort, several EU Member States have indicated interest but have not yet delivered practical support. The benefits of detecting illegal migrants will only be fully achieved if EU money can be found to deal effectively with their post-detection.

The fact that the UK has initiated the project, and will certainly retain primacy in securing delivery notwithstanding any wider EU involvement, should give us opportunities to build further influence in the area.

5. IMMPACT - type project in Serbia-Montenegro (IMMPACT 2) :

Project *Immpact2* is a UK-led EU project that aims to provide specialist immigration training and advice to the reconstituted border guards within both the republics of Serbia and Montenegro.

Building on the successful Project *Impact* in Bosnia & Herzegovina, concluded at the end of August 2002, one of the aims of this follow-up project in neighbouring Serbia & Montenegro is to assist in the establishing of a consistent regional approach in respect of border control management.

The work of the project is also aimed to bring the respective Border Guards of Serbia and Montenegro, as well as the State Border Service of Bosnia & Herzegovina, closer together at an operational level, an important step towards achieving regional stability. Based on the recent experience in Bosnia & Herzegovina, the training will be delivered by a small mobile team of immigration experts based in Belgrade. As in Bosnia & Herzegovina, this team is likely to comprise of UK and other EU personnel.

It is expected that the relevant training - concentrating on interview techniques, forgery detection, passenger analysis, anti-trafficking techniques and intelligence development - can be delivered within a timescale of six months.

Offers of possible future assistance have been received from Italy, France, The Netherlands, Norway and Greece.

In October and December 2002, the UK Project Leader completed two scoping visits to the respective authorities - Federal and Republic - at ministerial and senior official level. Productive talks were also held with managers of the IOM and OSCE offices based in Belgrade with whom it is vital to coordinate future action.

Both the respective authorities in Serbia & Montenegro welcomed the future project, as did the then FRY Foreign Minister during an official visit to UK in October 2002.

A senior UK trainer visited Serbia & Montenegro in January 2003 to draw up a training programme.

The UK Project Leader held bilateral talks with Italian counterparts during the first week of February 2003.

The UK has now completed its trawling and recruiting procedures and the selected team of immigration experts is due to be deployed late May 2003. It is anticipated that the specialist training will be delivered within six months of deployment.

The UK Project Leader is returning to Belgrade in April 2003 to confirm that, following the recent assassination of Djindjic, the current political situation in Serbia is still conducive to deployment and to finalise local arrangements.

The training comprises built-in evaluation mechanisms. In addition, the local office of the IOM will be invited to offer an independent evaluation of the effectiveness of the project post-implementation.

D. Joint Operations

The Plan for the management of external borders provides that the joint operations are carried out in accordance with the operational needs identified and agreed by the heads of the border control services.

These operations, based on information and on the Common Risk Analysis, must fulfill the immediate needs related to the management of the external borders but they can also be relate to a long-term action plan.

Member States involved undertake to provide resources (experts and equipment) for common operations.

1. Sea Borders :

1.1. Ulysses

The objectives of the programme were to reinforce the current operative systems used to prevent illegal immigration, to establish cooperation and mutual assistance between the competent authorities, to evaluate the risks of illegal immigration, to create a deterrent effect on the criminal organizations implicated in illegal trafficking of immigrants by sea and to contribute to the development of the process of an integrated administration of the external borders of the Member States.

The Ulysses Operation was designed to be carried out in two phases : Phase I in the Mediterranean sea (carried out between 25 January and February 2003) and phase II in the Atlantic Ocean that was expected to be carried out at the beginning of April but, as a consequence of the conflict in Iraq, was temporarily suspended. New dates for its execution are currently being studied.

In Phase I of the operation, carried out between 25 January and 8 February 2003, the following countries participated as members of the operative device : Italy : with a boat of the Guardia di Finanza (crew of 12) ; France : with a patrol-boat of the Armada (crew of 24) ; United Kingdom : with a patrol-boat of the British Customs (crew of 12) ; Portugal : with a corvette of the Armada (crew of 70) ; and Spain : with two boats of the Civil Guard's Maritime Service (crew of 10 in each boat).

Greece, Norway, the Netherlands, Germany, Poland and EUROPOL participated as observers.

EUROPOL will carry out an evaluation of the final result of the operation. The final report of the operation, which includes the results, incidences and conclusions, will be presented to the Strategic Committee on Immigration, Frontiers and Asylum.

The programme corresponds to the points 33 and 57-59 of the plan.

1.2. Triton

The main objective of the project was to produce concrete operational results on tackling illegal migration by sea (ie arrest traffickers and illegal immigrants, seize maritime transportation means). More details on the secondary objectives can be found in the annexed Operational Plan TRITON.

The operational plan of the project engaged competent Agencies of the Mediterranean Member States on the simultaneous execution of sea border controls in selected areas of their territorial waters, coupled with surveillance-early warning missions, as applicable, in international waters. The operation was conducted on a 24-hour basis during the period 4-7 March 2003.

Greece, Italy, France, and Spain participated. Germany, Finland, United Kingdom and Cyprus and Malta took part as observers. EUROPOL prepared the Final Evaluation Report by taking into consideration the answers given to the evaluation questionnaires by the participating Member States.

TRITON was a successful joint operation, conducted for the first time at EU level, providing a shared operational basis for the control of territorial waters and the surveillance of international waters. The achieved operational results (more than 200 ships checked, 226 illegal immigrants and 6 facilitators arrested in 11 incidents) prove that Operation TRITON is certainly one way of translating EU policy into practice and moving from a reactive mode to a more proactive mode of operation.

More specifically, TRITON planning answers to the need identified in point 33 of the Plan by engaging all those responsible for external borders management in order to properly tackle illegal immigration by sea. In other words, it provides a basis for an

integrated management of the Mediterranean external sea borders of the EU (see definition of point 59 of the Plan) by national authorities and/or common border guard and customs cooperation units (see points 91-96 of the Plan).

Since operational plan TRITON is applied predominantly in territorial waters, it is not adversely affected by the limitations of the provisions of the Law of the Sea (UNCLOS, Montego Bay 1982). In terms of its future use, it could be included in the anticipated Practical Handbook (point 113 of the Plan). Alternatively, a special Handbook for Joint Operations in EU external borders could be prepared to include TRITON as well as other operational plans.

The well-documented operational results point once again at the improvement of EU relations with source and transit Third Countries (namely, Morocco and Turkey) on the issue of illegal immigration by sea. TRITON operations also provide a common framework for the examination of the financial and operational burden-sharing issue (see points 115-117 of the Plan). Future TRITON-type operations should be eligible for community financing from the ARGO programme.

1.3. Rio IV

The objective is to improve the systems and procedures used at border controls in the ports designated by the participating States, to detect cases of irregular immigration, false travel documents and networks involved in the smuggling of human beings by sea.

Germany, France and Finland made their national contributions on the situation in each of the States before the operation began. Greece, Italy, the United Kingdom, Norway, Denmark and Portugal have indicated their intention to participate in the operation.

RIO IV was carried out between 5 and 11 May 2003. No information about the results is available at this time, so a general assessment is not possible, even though an evaluation will be carried out by EUROPOL.

1.4. Orca

The objective of the project to develop control routines covering all aspects, including the streamlining of cooperation between relevant authorities in the countries concerned, both on a national and an international level.

The project was implemented in three phases and entailed cooperation with all authorities involved in the control of sea borders, i.e.: the Police, Customs and the Coastguard.

The only participating country was Norway. Observers from Estonia, Finland, Germany, the Netherlands, Poland and Sweden took part.

The operation resulted to the improvement of cooperation between the authorities both on national and local level.

2. Land Borders :

The aims of the project were to monitor the variations of the migration flows, to test the effectiveness of the usual/normal border control and surveillance, to promote cooperation and exchange experience between competent authorities of the Member States and to transfer community practice to the candidate countries.

In addition to the active participation of the initiating country (Greece), three more EU Member States took also part, namely Finland, Germany and Italy, as well as Norway in

its role as a Schengen state (by seconding border guard officers to various border-crossing points within the Schengen area, as well as by providing data).

Furthermore, under observer status, acceding states Hungary and Cyprus and candidate country Bulgaria participated by seconding border guard officers to various border-crossing points within the Schengen area. At the same time the Czech Republic, Romania and Latvia submitted their participation in the Project.

EUROPOL supported the project by analysing the gathered data, by disseminating the operational results, as well as by submitting an evaluation of the entire project.

A total of nine eastern external land borders of the EU were targeted in this multilateral project : Norway-Russia, Germany-Poland, Germany-Czech Republic, Italy-Slovenia, Greece-Albania, Greece-Bulgaria, Greece-Former Yugoslav Republic of Macedonia (FYROM) and Greece-Turkey.

The operation consisted of three phases, lasting ten days each.

Based on the EUROPOL's evaluation reports for each phase of the project, some general conclusions can be drawn regarding the operational outcome.

It should be clarified, at the outset, that the main aims and objectives of the pilot program, outlined in the Operational Plan, were not achieved. Some of the participant countries showed a low level of commitment by not forwarding on time and properly the requested data to EUROPOL and therefore the analysis of the operational results was incomplete. Consequently the specific analysis of variations in migration flows for each country were not entirely completed.

Despite the fact that in the beginning countries confirmed their participation in the project, not all of them supported it actively and properly. It is worth mentioning that Germany, Finland, Greece, Hungary and Bulgaria appeared to be the most effective in achieving the goals of the projects.

EUROPOL evaluated each phase of the project separately, while, in a meeting which took place on 8 May in Athens, the final evaluation of the entire programme was presented by EUROPOL and was discussed with the participation of Finland, Italy, Greece and Germany.

The discussion revealed a weakness in the follow-up to the implementation of the project. Despite the fact that some problems and malfunctions were raised during the first phase of the programme, these were not possible to be overcome, a fact already underlined in EUROPOL's evaluation report for this specific stage. When the evaluation report was presented to SCIFA+, no special attention was paid and no discussion was conducted on the problems raised.

Referring to the operational results, and given the limited information submitted some general conclusions can be made :

Although the number of intercepted migrants increased by around 50%, the number of apprehended facilitators dropped significantly during the third phase, from 18 arrests to just 6 (all in Germany).

German results suggest that almost 40% of migrants were suspected of having used a facilitator, while the Greek estimate was 18% of all migrants. As no details from Italy and Norway were forwarded, these countries have to be excluded from this core part of the analysis.

The number of intercepted persons, immigrants from various places around the world, but mainly from eastern Europe, attempting to access the Schengen area via the participant countries, declined by more than 50% (compared to the first stage) during the second phase and again increased by more than 50% (compared to the second stage) during the third phase. No immigrants were reported to have been intercepted at the Norwegian-Russian borders.

During all the three stages 3.793 aliens were intercepted in their attempt to enter the common area illegally. The vast majority of them in Greece (2.763) followed by Germany (535). No attempts were noted across the Finish green borders.

As regards the use of documents, a general conclusion was reached, that migrants coming from further afield, e.g. from non-European countries, do not carry any documents when intercepted. It should also be noted that relatively few falsified or counterfeit documents were detected during the operation.

An increased tendency of using the land-borders for illegal immigration has been detected.

It was agreed that for the successful outcome of similar projects, a complete and high standard preparation, as well as a direct and effective coordination through the communication channels between the Central and the local services are absolutely essential.

Furthermore, it was pointed out that in the future, such projects-programmes should take place in the framework of a certain strategy in order to achieve concrete objectives, initiated by the competent Centres, which will have the responsibility for their smooth implementation and coordination during their duration.

The present document as well as the evaluation reports drafted by EUROPOL will be transmitted to the competent Centres (Risk Analysis Centre and Centre for land borders) in order to take them into account for their further activities.

3. Air Borders :

3.1. Rio III

Operation VISA (Visa Control Investigation in Schengen Airports) was a project that was initiated by the recent Danish EU Presidency.

A total of 17 countries took part in operation VISA - 15 EU Member States together with the two Schengen States Norway and Iceland - with a total of 22 participating airports. Five countries - Austria, Denmark, France, Norway and Sweden - designated two airports each to take part in the operation.

According to the Project Plan, the aim of the operation was to investigate the possible misuse of visas issued by either the holder's own central authorities/diplomatic missions abroad or by a different Schengen state for business, education and sport purposes in order to expose the extent of the problem and to that end :

reveal any false/forged visas and genuine visa issued on an incorrect basis in order to uncover the scope of the problem ;

illustrate whether changes in current control procedures are required ; and

enhance cooperation between the authorities in the European Union Member States in charge of the issue of visas (central authorities' and Member States' missions abroad) and control of the visas issued at the borders, respectively.

Based on the findings of this report, it can be concluded that the aims and objectives listed by the Danish project leader were not entirely met during the course of the operation, nor was it possible to assess the threat posed to the EU by this type of visa abuse.

The operational results of operation Visa have been limited and they do not permit the drawing of any well-founded conclusions with respect to visa abuse in the Schengen area as well as the United Kingdom and Ireland. Nor does the overall outcome allow for the performing of a complete analysis on abuse of the specific visas in question during the operational period.

The lack of good operational results is partly a consequence of the fact that there were discrepancies in the data forwarded to Europol with the result that only very limited analysis could be made with the information. Any intelligence analysis performed has also been hampered by the fact that there were no cases of suspicion of facilitation whatsoever and that in the three cases where visa requirements were reportedly not met, only one suggests overt criminal intent.

Furthermore, throughout the course of the operation, a total of 90 investigations into visa abuse were initiated. The relatively low number of followed-up cases could indicate that visa requirements in most cases were met, but it could also indicate that too few investigations were initiated.

Despite the relatively limited operational and analytical results of Operation VISA, the unprecedented nature of the operation, coupled with prudence in defining and limiting the operation, have resulted in some very valuable arguments, which may be used to support and guide other High Impact Operations in the future, so that they may have more impact. Moreover, these arguments may be used to initiate discussions at either national or EU level regarding overall migration control issues aimed at countering Schengen visa abuse.

V. EVALUATION

This section attempts a total evaluation of the programmes, measures and common operations which have been undertaken by Member States according to the Plan, in order to implement the Seville Conclusions.

Criteria for evaluations were taken to be the aims outlined in points 31 to 39 of the Plan as well as the other specific points for each action separately.

According to the underlying aims of the Plan important elements are considered :

The degree of success in implementing the Plan (uniform improvement of EU practice, harmonization of national practices, improved effectiveness of the national border services, increase of cooperation, development of mutual understanding and trust between Members States).

The degree of approximation of objectives which were set out before the beginning of the implementation of the programmes, the participation of candidate countries and their interaction to the creation of a long term comprehensive strategy for the management of external borders.

According to the criteria which are listed above and in addition to the reference which is made in the relevant section on the implementation results, a total picture of implementation appears as follows.

1. The two major programmes of the creation of Common Risk Analysis Model and Common Core Curriculum for Border Guard Training, which were immediate priorities

of Seville, are considered to have succeeded fully in achieving their aims within the timetable set. They have already received positive comments by all Member States.

For the next steps to be taken much depends on the activity and the operational ability of the Common Unit (SCIFA+) and the degree of participation of Member States in the implementation of these programmes.

2. From the ad hoc centers that have been established up to now, only the Centre for land borders demonstrated results. Its activity though was limited to the organization and monitoring of common operations and exchange of personnel, in selected parts of the external borders of Member States.

An important contribution by this Centre, which can work as a model (pilot), is the adoption of guidelines for its operation and activities.

An enlargement of competences of this Centre is considered necessary, so that it can gradually cover all the sectors which relate to the management of land external border.

With reference to the two other centers, the results cannot be assessed, for a number of reasons, such as :

- a) The RAC is due to present its first risk analysis on the 12 June, while
- b) the Centre of excellence in Dover, due to lack of funding has not managed to extend its activities according to the agreed proposal, and it has had to review its policy. For this reason it is deemed necessary that SCIFA+ should approve the new aims of the Centre.

3. The results of the pilot projects cannot at this phase be assessed, given that all of them are at the stage of development and of preparation, and have not therefore accomplished the targets which have been set in the Plan.

It must be taken into account though that the Project for the International Airports as well as the programmes for the rationalisation of repatriations and investigation of cross-border crime as short term measures, according to the Plan, must be completed by the end of June 2003. The project for international airports is ready to be assessed, but the leading country judged that it is necessary to apply an operational trial phase and a general evaluation in turn by Europol.

4. The operational programmes, which concerned joint operations faced serious problems which consisted of :

- a) The lack of suitable planning and preparation
- b) The lack of central operational coordination
- c) The lack of adequate in depth treatment of difficulties which arose during the implementation period
- d) The lack of legal basis for carrying out common operations
- e) The fact that participating countries did not fully meet their obligations under the programmes

More specifically, the programmes for the eastern land borders and for visas (RIO III), did not sufficiently meet the initial main goals, mainly because participating countries did not fully meet their obligations and because of a lack of proper planning.

Concerning the joint operations on the sea borders :

The results of operation ORCA is outside the goals of the Plan since they related mainly to cooperation at national and local level.

The operational results of operation Ulysses (phase I) and RIO IV, have not been notified yet, and we cannot therefore profit in order to carry out similar operations in the future.

Operation Triton seems to be the only one of these operational programmes which gave concrete and substantial results and fulfilled to a large extent its goals. The positive results of this operation were not properly appraised and put into use though, due to lack of operational mechanism.

It must be underlined that the main deficiency in all these cooperation projects and programmes lies in the absence of a proper legal framework for seconding staff to other Member States. Consequently, despite the fact that all the above programmes aimed at improving the level of cooperation, participating staff from other Member States were turned into simple observers, without essential contribution.

In the light of the above, joint operations in the meaning of points 57 and 59 of the Plan are not possible to be carried out at present as it has been reiterated by the Centre for land borders.

VI. CONCLUSIONS

Taking into account the overall assessment and the value added of the a great number of pilot projects and joint operations, the following conclusions can be deduced :

The absence of a monitoring mechanism and of a method for the processing and utilisation of results is particularly evident.

The future elaboration of joint operations requires the definition of implementation guidelines as well as a careful consideration of the appropriate legal framework.

Some specific and basic needs which had been identified in the Plan have either not been covered by the relevant programmes submitted, or not been fulfilled by their elaboration. This is due to the lack of definition of specific and objective targets, in the framework of an integrated planning of operational action at community level.

For this reason it is considered important to ensure, mainly on the basis of the risk analysis provided by RAC, that the responsibility for the planning and implementation of programmes lies within the relevant center. By the same token the establishment of ad hoc centers for sea and air external borders is also considered to be necessary. Moreover, the upgrading of the coordination and operational role of SCIFA+ is a precondition for the successful development of similar programmes in the future.

Bearing in mind the role of acceding countries in the protection of the future external borders of the Union and the Schengen Area, it is necessary that they participate more actively to the works of the Common Unit (SCIFA+) and to the elaboration of pilot projects and joint operations.

Finally in order to achieve a more effective implementation of programmes, it is recommended that Member States abide by the rules and obligations that follow from their participation in those programmes.

NOTES

1. Brussels, 21 May 2003, 9535/03, Front 61, Comix 314, Council of the european union.

INDEX

Mots-clés : textes et documents officiels, Visa