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NOTE

From:	Presidency
To:	Delegations
Subject:	Combating migrant smuggling: current operational needs and enhancing cooperation with the WBs

INTRODUCTION

Cooperation with the Western Balkans is a horizontal priority for the Croatian Presidency. Bringing Western Balkan partners closer to the operational standards and mechanisms of the EU is important for the security of Europe as a whole. In this context, tackling migrant smuggling activities in the Western Balkans is a key area where continuous attention to operational needs and developments is needed. As envisaged in the operational set of measures to enhance the response to migrant smuggling networks¹, Europol, Frontex and EASO have presented a Joint Report² on tackling migrant smuggling in the Western Balkans. It provides a valuable overview of migrant smuggling activities along the Western Balkan route and in neighbouring countries for the period from July 2018 until June 2019.

¹ 15250/18 Enhancing the response to migrant smuggling networks: a comprehensive and operational set of measures, adopted by the Council on 6 December 2018.

² 5312/20 Joint report of Europol, Frontex and EASO on tackling migrant smuggling in the Western Balkans.

The report confirms that the Western Balkans represent a key transit area for irregular migrants entering the EU via the Eastern Mediterranean route. At the same time, reinforced border controls and rough terrain have led to a growing number of stranded migrants being hosted in the region and, consequently, to a sharp increase in the demand for illegal facilitation services. Irregular migrants/asylum seekers often lodge their applications for international protection in the Western Balkans and neighbouring countries in order to avoid detention and return procedures, before absconding and re-engaging with smuggling services in order to try to reach their preferred destination countries. Based on the key findings highlighted in the Joint Report, the threats arising from an increase in migratory flows and smugglers' networks require a cross-cutting, holistic and structured response.

This report was presented to the Informal JHA Ministerial Meeting held in Zagreb on 24 January 2020.

In light of this exchange and in order to structure our response, the Presidency would like to seek the views of COSI on the specific measures listed below.

1. Enhancing information-sharing capacities

At their informal meeting in January 2020, Ministers discussed the possibility of stimulating the development by Western Balkan partners of national biometric registration/data-sharing systems on asylum applicants and irregular migrants. Such systems could be modelled on Eurodac. This would ensure that the systems are compatible, with a view to possible gradual integration into a regional system, and that they correspond to EU standards.

These efforts, combined with proactive exchange with Europol and Frontex, could strengthen the capacity of border guards, coast guards, and migration and asylum authorities, and improve the information flow and the intelligence picture in the region.

In the same vein, EU Member States and Western Balkan countries could further improve operational output by sharing relevant data on major cases of national and international criminal activities related to the smuggling of migrants. Furthermore, they should step up their participation in relevant operational actions of the EU Policy Cycle/EMPACT ‘Facilitation of Illegal Immigration’ priority (e.g. "Western Balkans Task Force", "Joint Operational Office", "Operation Risk") including through participation in Joint Investigation Teams³ and Operational Task Forces.

Proactive input of information by WB partners’ authorities to Europol should be encouraged. SIENA is the ideal platform to support contributors in achieving this enhanced information flow. A further SIENA rollout to all relevant law enforcement actors⁴ in the region should therefore be pursued. Building on existing good practices, MS are also encouraged to provide liaison officers (LOs) deployed in the region with access to SIENA.

The active engagement of relevant COM services (e.g. DG HOME and DG NEAR), the EEAS, JHA agencies and the Member States active in the region would be required in order to make concrete progress along these lines. Stronger alignment between the EU stakeholders would be necessary.

2. Increasing the presence of JHA agencies in the region

The presence of JHA agencies’ LOs in the field could further improve the flow of information needed to counter migrant smuggling activities as well as strengthening operational cooperation with the various partners. In implementation of the plan funded by DG NEAR to deploy LOs in the Western Balkans, Europol has already deployed to Albania one of the three LOs foreseen for the region, with the deployment to Serbia expected shortly. The deployment to Bosnia and Herzegovina (BiH) is on hold pending the definition of a national point of contact by the hosting authorities. The report identifies BiH as a bottleneck area, where a number of irregular migrants are stranded and which has developed into a hub for the activities of organised criminal groups. The presence of a Europol LO in the field could improve the flow of information needed in order to tackle migrant smuggling activities concentrated in the area.

³ 13752/19 Conclusions of the 15th Annual Meeting of National Experts on Joint Investigation Teams (JITs).

⁴ e.g. CT units, police investigation units, customs authorities, asset recovery offices, financial investigation units, border guards.

Swift progress is therefore necessary on this issue. More targeted engagement with the BiH authorities, supported by COM, EEAS and MS in their bilateral contacts, could facilitate advances on this issue.

Currently, Montenegro and North Macedonia have deployed liaison prosecutors to Eurojust; a similar measure by Serbia and Albania would have a positive impact on joint judicial investigations.

The EU comprehensive approach should be reflected in increased complementarity and alignment between, on the one hand, JHA agencies' LOs and European Migration Liaison Officers (EMLOs) and, on the other hand, Member State immigration liaison officers deployed in the region. Close communication should be pursued in order to ensure timely information exchange and to avoid overlaps among relevant stakeholders. The recently adopted Regulation on the European network of ILOs⁵ is expected to facilitate information gathering and sharing on topics of common interest, such as migrant smuggling networks, their routes and their *modi operandi*. The steering board established by the ILO Regulation would have an important role in prioritizing actions and ensuring that cooperation and coordination between LOs on the ground are enhanced. In practical terms, regular coordination meetings at local and regional level coupled with a steady flow of information (both strategic and operational), in compliance with the ILOs' respective mandates, should be pursued on a more systematic basis.

3. Social media monitoring

Some new trends have recently emerged in the migrant smuggling business model, such as the use of IT tools. Instant messaging applications and social media platforms can be abused to put migrant smugglers and irregular migrants in contact with each other. Migrant smuggling networks take advantage of such technologies⁶, and social media monitoring has therefore become pivotal to tackling migrant smuggling activities. Following the EDPS opinion⁷, EASO is no longer in a position to fulfil this task. On 19 November 2019, COSI invited the Commission and the JHA agencies to reflect on how to address the new threat posed by the use of such platforms, and on the development of an OSINT (open source intelligence) monitoring capacity.

⁵ Regulation (EU) 2019/1240 of the European Parliament and of the Council of 20 June 2019 on the creation of a European network of immigration liaison officers

⁶ 13974/19 Migrant smuggling: operational response at the Eastern Mediterranean route.

⁷ Formal consultation on EASO's social media monitoring reports (case 2018-1083).

In view of the above, it is crucial that the Commission and the relevant Agencies establish as soon as possible a social media monitoring mechanism, that will be in accordance with the data protection requirements, to contribute to an improved and updated threat picture.

Delegations are invited to express their views on the measures listed above.
