

5981/2/95
REV 2

LIMITE

ASIM 97

N O T E

from : External Frontiers Working Party

to : ~~Steering Group I~~

No. prev. doc.: 4617/95 ASIM 21, 4618/95 ASIM 22,

7704/95 ASIM 176

Subject: Draft joint action on pre-frontier assistance and training assignments

At its meeting on 11 and 12 April 1996, the External Frontiers Working Party examined the above text.

Delegations will find below a version of the text revised in the light of comments from the delegations and the Council Legal Service.

As the Irish delegation had been unable to be present at the discussions, it entered a general scrutiny reservation until the meeting of the Steering Group I on 29 and 30 April.

The United Kingdom delegation had made a number of suggestions (7704/95 ASIM 176) which have been included in the footnotes, but lack of time prevented them from being examined in detail by the Working Party.

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union, and in particular Article K.3(2)(b) thereof,

Having regard to the initiative taken by the French Republic on 1 February 1995,

(...)

Whereas control of migratory flows may be improved by stepping up the checks carried out on embarkation onto flights to Member States of the Union, making them a useful instrument for the purposes of combating unauthorized immigration by nationals of third countries, which, pursuant to Article K.1(3)(c) of the Treaty, is a matter of common interest; ⁽¹⁾

Whereas the posting to airports of departure of Member States' officers who are specialized in such checks, to assist ⁽²⁾ the officers who carry out checks on departure locally for the local authorities or for the airlines, is a means of helping to improve those checks; Whereas organizing training assignments aimed at airline staff is also a way of helping to improve those checks;

Whereas the matters could be dealt with more effectively by joint action and whereas the terms of such action should therefore be established;

(...)

⁽¹⁾ The United Kingdom delegation suggested the following amendment to the wording of this recital:

"Whereas checks carried out on embarkation onto flights to Member States of the Union are a useful contribution to the aim of combatting unauthorized immigration by nationals of third countries, which, pursuant to Article K.1(3)(c) of the Treaty, is a matter of common interest."

⁽²⁾ The United Kingdom delegation would like the words "assist" and "assistance" to be replaced by "provide guidance to" and "guidance" throughout as this indicates a less active role on the part of the Member States' officials.

HAS ADOPTED THIS JOINT ACTION

Article 1

Assistance assignments

1. The joint organization of assistance assignments in third-country airports shall be carried out within (...) the Council. ⁽³⁾
2. Assistance assignments shall be carried out ⁽⁴⁾ in agreement with the competent authorities of the third country concerned. ⁽⁵⁾
3. Such assignments shall have as their objective the provision of assistance to officers locally responsible for checks (...) either on behalf of the local authorities or on behalf of the airlines.
4. Assistance assignments shall be of varying duration. For this purpose the Council shall draw up a list of airports in which joint assignments are to be carried out on a temporary or permanent basis (...).

⁽³⁾ The United Kingdom delegation suggested adding the following phrase to the end of paragraph 1: "making full use of the possibilities for cooperation offered".

⁽⁴⁾ The United Kingdom delegation suggested adding the following phrase at this point: "after prior consultation and" and the sentence: "The Member State which is most affected should take the lead in consultations." to the end of the paragraph.

⁽⁵⁾ The United Kingdom delegation suggested inverting the order of paragraphs 2 and 3.

Article 2

Training assignments

1. The joint organization of training assignments for airline staff shall be carried out within the Council.
2. The general purpose of joint training assignments for airline staff shall be to describe the principles of the rules on entry into the territory of the Member States as well as methods of checking the validity of the required travel documents and visas. ⁽⁶⁾
3. For this purpose the Council shall draw up:
 - a list of airports at which joint training assignments are to be carried out;
 - a six-monthly programme of joint training assignments;
 - a collection of information on Member States' regulations of use to airlines; ⁽⁷⁾
 - a collection of travel documents and visas of use to airlines. ⁽⁸⁾

⁽⁶⁾ The United Kingdom delegation suggested that the current paragraph 2 should read as follows:

"The general purpose of joint training assignments shall be to describe Member States' document and visa requirements and the methods by which the validity of documents and visas may be checked."

⁽⁷⁾ The United Kingdom delegation suggested the deletion of the third indent on account of the difficulty of the task in question.

⁽⁸⁾ The United Kingdom delegation suggested adding the following paragraph:

"4. Assignments shall be carried out after prior consultation and agreement with the competent authorities and the airlines concerned. The Member State which is most affected should take the lead in establishing such arrangements."

Article 3

Common provisions

1. Joint assistance or training assignments shall be carried out by specialist officers designated by the Member States and forming part of a joint assignment.
2. Member States shall inform each other within the Council if they wish to be associated with action under the programme and to send specialist officers to take part in the joint assignment. ⁽⁹⁾
3. The joint assignment shall be headed by a specialist officer from the immigration control service of the Member State most affected by the airport in question.
4. Each Member State shall bear the costs incurred by the officers it has appointed. ⁽¹⁰⁾
5. The embassies of the Member States present in the country in which the assignment is carried out shall be informed by the President of the Council. ⁽¹¹⁾
6. The Member States shall inform each other within the Council of any assistance or training measures which they conduct outside the framework of this joint action.
7. Each year the General Secretariat of the Council shall draw up a report on the activities carried out under this joint action.

⁽⁹⁾ The United Kingdom delegation suggested the following amendment to this paragraph: "Member States shall inform each other if they wish to participate in an assignment in accordance with this joint action."

⁽¹⁰⁾ The United Kingdom delegation felt that some flexibility should be allowed for the authorities of third countries and the airlines concerned to meet some or all of the costs of the assignments organized at their invitation.

⁽¹¹⁾ The United Kingdom delegation would like this paragraph to be redrafted to open the way for the possible active involvement of those diplomatic representations.

8. Subject to the necessary adjustments, the assignments provided for by this joint action may also be carried out in sea ports.
9. The Member States shall take all necessary steps to implement this joint action. ⁽¹²⁾

Article 4

This joint action shall enter into force on/the date of its adoption/publication in the Official Journal of the European Communities. ⁽¹³⁾

⁽¹²⁾ The United Kingdom delegation felt that an additional provision should be introduced to indicate that the cooperation provided for in this joint action was without prejudice to cooperation being organized bilaterally or through other organizations such as IATA.

⁽¹³⁾ The United Kingdom delegation felt that this article was unnecessary.