EUROPEAN UNION
THE COUNCIL

Brussels, 31 October 1994 (07.11)
(OR. f)

10510/94

RESTREINT

ASIM 213

NOTE

from: Presidency

to: Steering Group I

No. prev. doc.: 9964/94 ASIM 188

Subject: Draft Resolution of the Council of the European Union on a further improvement in security at external borders

1. At its most recent meeting on 27 and 28 October 1994 the External Frontiers Group considered the abovementioned draft resolution which had been submitted to it by the Presidency (9964/94 ASIM 188).

2. Delegations will find annexed hereto a version of the draft resolution revised on the basis of the comments of the External Frontiers Working Party.

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DRAFT

Resolution

of the Council of the European Union

of.....

on a further improvement

in security at external borders

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to Germany's initiative ([1]),

Whereas, pursuant to Article K.1 of the Treaty on European Union, the rules governing the crossing by persons of the external borders of the Member States and the exercise of controls thereon are, without prejudice to the powers of the European Communities, matters of common interest covered by the co-operation governed by Title VI of that Treaty;

Whereas, in view of increasing pressure from illegal immigration and the disturbing increase in cross-border crime, the Member States need to coordinate their action for a further improvement in security at external borders without thereby impeding movements of persons, because the aim can be more easily achieved by the Member States acting in cooperation than by each Member State taking action separately;

([1]) The Netherlands delegation would like the addition of the following new phrase: "having regard to the Opinion of the European Parliament".

[Whereas the introduction of a system of controls at external frontiers requires that particular attention be paid to the questions of infrastructure and frontier surveillance on the part of countries which, because of their geographical position and configuration, are exposed to increased migratory pressure;] ([1])

HEREBY ADOPTS THIS RESOLUTION:

Member States shall:

1. strive, in discussions on the Centre for Information, Discussion and Exchange on the Crossing of Borders and Immigration (CIREFI), to have CIREFI built up and extended into an effective instrument of information in order to take account of the operational needs of the Member States;

2. work, within the framework of co-operation under Title VI of the Treaty on European Union, in connection with controls on persons under the proposed Convention on the crossing of external frontiers, to have the Agreement on the European Information System brought into existence;

3. on the basis of bilateral agreements, maintain liaison officers at Member States' central border-police authorities and/or post them to major external-border crossing points, insofar as they consider it expedient;

([1]) The Greek delegation would like this paragraph to be included in the enacting terms in the form of an Article 1.

4. step up the fight against clandestine immigration and

   - press for all participant States to transpose into law the recommendations of the Berlin Conference (October 1991) and Budapest Conference (February 1993), particularly with regard to the introduction of an effective penal framework including possibilities for the confiscation of criminal proceeds;

   - conclude bilateral agreements with neighbouring third countries so that aiding and abetting clandestine immigration into the other country also becomes a punishable offence under their national law. Efforts shall be made at a later stage to conclude multilateral agreements on the same subject;

5. systematically monitor the fulfilment by carriers of their obligations (enforceable by sanction) under international agreements (Annex 9 to the Convention on International Civil Aviation; Convention on Facilitation of International Maritime Traffic) and national regulations to carry only passengers in possession of the travel documents required for entry into the country of destination;

6. propose and press with the International Maritime Organization (IMO) for the setting up of an association with shipping companies comparable to the Control Authority Working Group (CAWG), an association between national border and immigration authorities and the International Air Transport Association (IATA) in civil aviation matters;

7. establish direct channels of communication with shipping companies, to be co-ordinated insofar as possible amongst themselves.