

The European Union approach to transnational organized crime and challenges in implementation and enforcement with a particular focus on smuggling of migrants and trafficking in persons by sea

UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND THE LAW OF THE SEA
Discussion panel – Segment 2: Prevention and suppression of transnational organized crime - June 24th, 2008

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Directorate-General Justice, Freedom and Security



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- General measures regarding human smuggling and trafficking
- Focus on smuggling of and trafficking in persons by sea
- International cooperation

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UNTOC Convention and Protocols

Declaration upon approval by the EC:

“...The Community points out that it has competence with regard to the crossing of external borders of the Member States, regulating standards and procedures when carrying out checks on persons at such borders and rules on visas for intended stays of no more than three months. The Community is also competent for measures on immigration policy regarding conditions of entry and residence and measures to counter illegal immigration and illegal residence, including repatriation of illegal residents. Moreover, it can take measures to ensure cooperation between the relevant departments of the administrations of the Member States, as well as between those departments and the Commission, in the aforementioned areas. In these fields the Community has adopted rules and regulations and, where it has done so, it is hence solely for the Community to enter into external undertakings with third States or competent international organisations.

In addition, Community policy in the sphere of development cooperation complements policies pursued by Member States and includes provisions to prevent and combat smuggling of migrants.”

+ EU Treaty provisions on police and judicial cooperation in criminal matters

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- **Council Framework Decision of 19 July 2002 on combating trafficking in human beings**
- **Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence**
- **Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence**
- **Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities**
- **EUROPOL, EUROJUST**

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FRONTEX tasks:

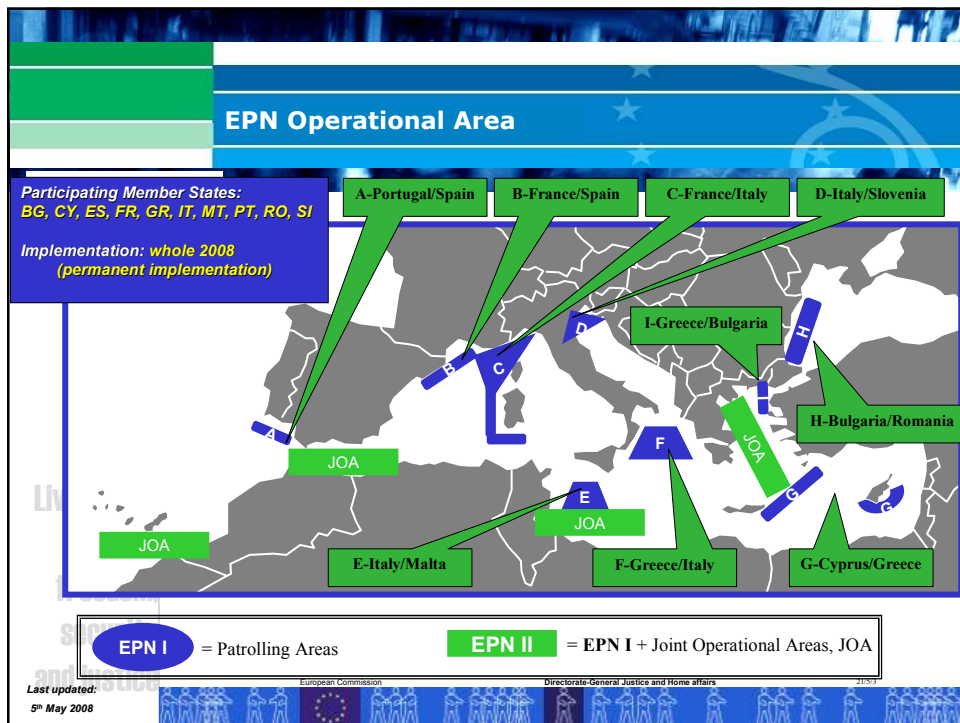
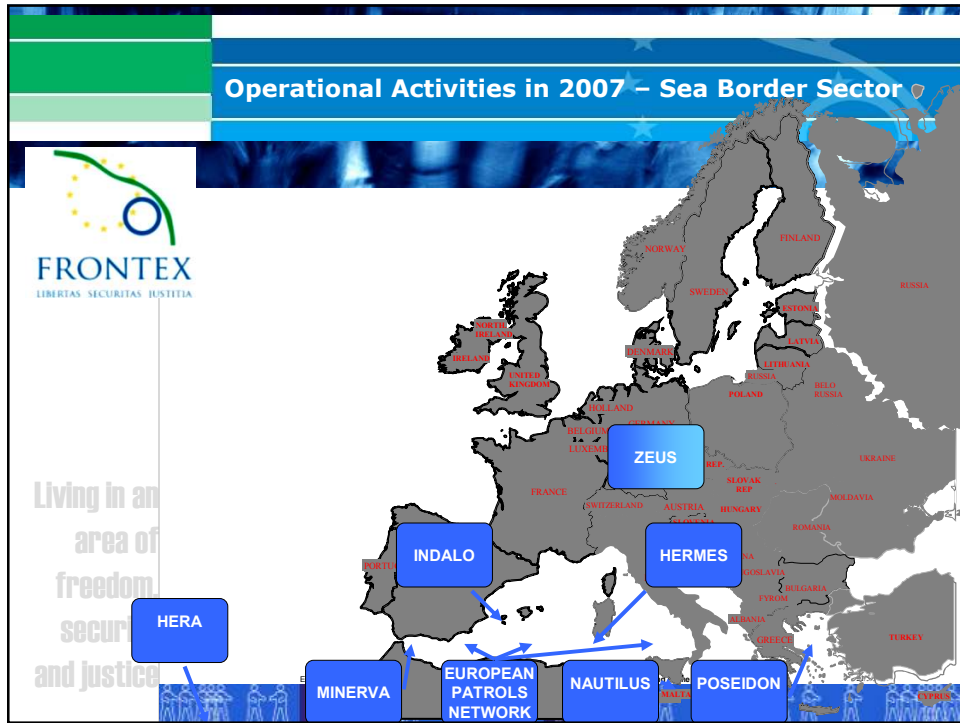
- **Coordination of operational cooperation (joint operations and pilot projects)**
- **Assistance on training, incl. establishment of common training standards**
- **Risk analyses**
- **Follow-up to research**
- **Assistance in critical situations**
- **Assistance in the organisation of joint return operations**
- **Deployment of Rapid Border Intervention Teams**

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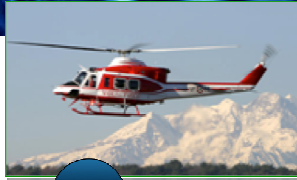
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Centralised Record of Available Technical Equipment

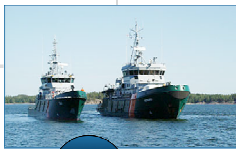


21 Helicopters



20 Fixed wing

23 signed MoU



111 Vessels

272 Other border control equipment, including:

2 Mobile radar units

27 Vehicles

55 Thermal / Infrared cameras

24 Mobile carbon dioxide detectors

1 Passive millimeter wave imager

4 Heart beat detectors

State of Play: 28.05.2008

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EUROSUR (Commission Communication COM(2008) 68 final of 13.2.2008)

PHASE 1: Interlinking and streamlining existing surveillance systems and mechanisms at EU Member States level

Step 1: Providing the essential border surveillance infrastructure at national level

Step 2: Communication network between the national coordination centres including FRONTEX

Step 3: Support to neighbouring third countries for the setting up of border surveillance infrastructure

PHASE 2: Development and implementation of common tools and applications for border surveillance at EU level

Step 4: Research and development to improve the performance of surveillance tools

Step 5: Common application of surveillance tools

Step 6: Common pre-frontier intelligence picture

PHASE 3: Creation of a common monitoring and information sharing environment

Step 7: Integrated network of reporting and surveillance systems for border control and internal security purposes covering the Mediterranean Sea, the Atlantic Ocean at the South of the EU and the Black Sea

Step 8: Integrated network of reporting and surveillance systems

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- Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)
- Council Regulations (EC) Nos 1683/95 and 334/2002 laying down a uniform format for visas
- Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States
- Commission Decisions C(2005) 409 and C(2006) 2909 establishing the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States
- Council Decision of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents
- Council Regulation of 19 February 2004 on the creation of an Immigration Liaison Officers Network

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CHALLENGES

- **Detection, identification, detention and prosecution of perpetrators**
- **Safety at sea**
- **Return**
- **... International cooperation and assistance are key**

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- **European Neighbourhood and Partnership Instrument**
- **Development Cooperation Instrument**
- **European Development Fund**
- **Thematic Programme of Cooperation with Third Countries in the Areas of Migration and Asylum (2007-2010) (previously “Aeneas” Program)**

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Thank you for your attention

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