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**ON THE WAY TOWARDS ESTABLISHING A EUROPEAN BORDER
POLICE FORCE**

**– CENTRES FOR COOPERATION BETWEEN EUROPEAN BORDER
CONTROL AUTHORITIES AND THE EUROPEAN BORDER MANAGEMENT
AGENCY**

I would like to thank you for inviting me to attend this year's Hungarian Border Police Conference in the beautiful city of Pécs and would like to speak a little about the subject "On the way towards establishing a European Border Police Force – centres for cooperation between European border control authorities and the European Border Management Agency".

Over time, protecting Europe's external borders has steadily gained momentum. The following sentence applies to all European countries. An old border control philosophy says: "a country's internal security begins at its own borders". This principle is above all important for the enlarged European community, as internal border controls are also to be abolished in the new EU Member States in the foreseeable future. Then, the free, that is the uncontrolled movement of persons and goods, will be part of everyday life in vast parts of Europe.

Moreover, we can probably expect the following developments:

1. It is more than likely that the uncontrolled migration movements to Europe caused by the rapid population growth above all in Asia and Africa which can also be attributed to the low level of prosperity and the poor living conditions on these continents will continue, if not increase;
2. European countries will continue to be perceived as "islands of prosperity" that will continue to attract more transnational organised crime than neighbouring countries for the foreseeable future;
3. The abolition of internal border controls creates uniform geographical crime distribution that reaches from the North Pole to Sicily and will very soon extend from the Black Sea to the Mid-Atlantic. A large number of public authorities that have different structures and organisations are currently operating in this area to preserve public security. This diversity leads to overlapping of competencies and causes communication problems. It also leads to different political strategies and regulations for crime prevention. Organised criminal organisations that work at international and intercontinental level are using these circumstances to their own advantage.

4. International – and hence cross-border – terrorism is on the rise and calls for effective, targeted defence measures that incorporate effective entry controls.

All the countries of the European Union are more or less affected to equal degrees by this type of crime. The citizens of the European Union are keeping a very watchful eye on the development of internal security in their countries – and are most concerned about it.

Accordingly, huge importance is attached to external border protection in the European Union.

Yet these developments can be counteracted with a concept that is both simple and effective.

The basic idea behind it is that cross border crime can be most effectively combated by fostering cross-border cooperation between the competent authorities.

Against this backdrop, the countries of the EU decided back in 2000 to explore the possibility of establishing a European Border Police Force. In a feasibility study which several EU countries were involved in, the results of which were presented in May 2002, various possibilities of establishing a European Border Police Force were highlighted. The Seville European Council presented the “Management plan for the external borders of the Member States of the European Union“ in June 2002, in which the establishment of so-called ad-hoc centres was proposed. Each of these centres is intended to intensify cooperation between the Member States in a certain area of external border control (e.g. air borders, land borders, sea borders, training and advanced training etc.). The new Member States (which were candidate states at the time) were involved in the work performed by these centres as early on as possible.

The European Commission submitted a “Proposal for a Council Regulation establishing a European agency for the management of operational cooperation at the external borders of Member States“ in November 2003. The Regulation was adopted by the Justice and Home Affairs Council in October 2004 following intensive discussion in the bodies of the Council and the European Parliament. On 14 April 2005, the Justice and Home Affairs Council decided that Warsaw would be the headquarters of the European Agency for External Borders. The Agency officially commenced work on 1 May 2005.

The various ad-hoc centres taken over by the border police forces of the Member States which are the quasi predecessors of this European Agency for External Borders have performed valuable work in their joint efforts to combat illegal migration up to the present day.

The work of the centres was coordinated at European level until the end of April 2005 and was evaluated by the so-called “external borders practitioners’ Common Unit“, a body comprising the heads of the national border control authorities. This work is now being performed by the European Agency for External Borders.

I would now like to say a few words about the individual centres, about how they have operated up to now and how they are still operating.

The Risk Analysis Centre in Helsinki/Finland (RAC) emerged from a project launched by the Finnish Border Police to develop a common risk analysis model (CIRAM) which commenced work in the spring of 2003. A number of EU Member States (such as Hungary) seconded national experts to this centre. By the end of April 2005, the RAC had conducted five periodical risk analyses and several special risk analyses (e.g. on the new EU

external borders, the phenomenon of illegal migration from China). The results of the work performed by the RAC create the basis of work to be performed by operational centres for land, air and sea borders. The RAC was disbanded in late April 2005. However, the Finnish Border Police will continue to perform the work until it is taken over by the European Agency for External Borders.

The Ad-hoc-Centre for Border Guard Training (ACT) in Traiskirchen/Austria emerged from an Austrian-Swedish project aimed at developing a common core curriculum (CCC) for European border police forces. A number of EU Member States (including Hungary) seconded national experts to this centre too. The ACT monitors the implementation of the CCC in the individual Member States. Furthermore, e-learning material has, for instance, been and continues to be developed at the ACT to help identify document forgery and a number of seminars have been implemented, many in close cooperation with the Centre for Land Borders led by Germany.

The Detection Technology Centre (DTC) in Great Britain deals with the research, procurement and provision of detection technology for other centres or Member States.

The Air Borders Centre (ABC) in Rome/Italy has installed an information network between major European airports in order to expedite the exchange of information with a view to enhancing EU air border control. Furthermore, the ABC has repeatedly carried out simultaneous surveys of data on certain phenomena at participating airports in order to obtain information about the use of air borders for the purposes of illegal migration.

The Sea Borders Centres (SBC) in Madrid/Spain and Piraeus/Greece were set up in the spring of 2004. They initiate and coordinate joint operations by Member States along the external EU sea borders; focusing on the Mediterranean as the focal point of illegal migration. A number of different teams of experts were also set up on individual areas involving sea border protection (for instance, on communication between ports).

I would now like to say a few words about the **Centre for Land Borders**. The Centre for Land Borders commenced work in September 2002. It consists of its heads and a secretariat, staffed by three national permanent experts (from Austria, Finland and Poland). The Member States are involved by participating in the "European Group of Experts". Twenty one EU Member States (including Hungary), Norway and Switzerland are involved in the centre. The Centre also cooperates closely with the other centres, particularly with the RAC and the ACT. So far, the European Group of Experts have held ten meetings.

The Centre's work focuses on the risk analysis basis of the RAC and national analyses, on initiating and coordinating joint operations by the Member States along the Member States' Schengen and EU external borders and on implementing staff exchange measures.

Up to now, 25 joint operations have been implemented within the framework of the Centre, two of them in Hungary.

Staff exchange measures take place at so-called focal point offices (FPO) which are crossing points at focal points of the EU or Schengen external border. The Common Unit resolved in March 2004 to set up 18 such FPOs, three alone of which are to be set up in Hungary (Záhony/UA, Szeged/Röszke/CS und Nagylak/RO). The guest officers from

other Member States taking part in joint operations or serving at an FPO, are to advise and assist local border control agencies in discharging their duties. Nonetheless, the host authorities will retain full responsibility for any measures implemented.

The added value of both activities (joint operations and staff exchanges at FPOs) can be described as follows:

- Border police authorities of the various Member States have the opportunity to get to know each other and to build trust
- Persons entering the EU / the Schengen territory can be interviewed more comprehensively and in-depth – as it is possible to avail of the special know-how of guest officers (language skills; knowledge of the country of destination)
- Pooling know-how on falsified/forged documents /visas, smuggling routes used etc.
- Access to other Member States' data
- Heightened quality of work owing to the transparency of measures implemented, higher staff motivation
- Harmonisation of control standards
- Evaluation of work performed by border control authorities
- Higher number of staff during the period of operations/exchange measures.

The work performed by the Centre for Land Borders is co-financed by funds from the EU's ARGO programme, like the work performed by the majority of the above-mentioned centres.

The Centre for Land Borders will continue its work even after the European Border Management Agency has been established, and will continue to do so until the Agency's Administrative Council has decided on the structural organisation of the Agency and on how the present centres are to be integrated into the Agency.

The Agency structure will be as follows:

There is, on the one hand, so to speak the Agency itself which will have its headquarters in Warsaw. It will perform cross-divisional tasks such as

- Coordination of operational cooperation between the Member States in relation to border control and surveillance,
- Carrying out of periodical and tailored risk analyses,
- Harmonisation of training and advanced training for European border police forces,
- Providing support to Member States in situations that call for greater technical and operational support,
- Promoting the development (incl. procurement) of detection technology for the control and surveillance of external borders as well as
- Coordination of joint repatriation measures.

At its first meeting on May 25, 2005, in Warsaw, the Management Board of the Agency has elected the Executive Director of the Agency : it is Colonel Ilkka Laitinen from the Finnish Frontier Guard. The Chief of the Dutch Royal Marechaussee, General Beuving, was elected as Chairman of the Management Board; the National Commander of the Hungarian Border Guard, General Béndek, was elected as his deputy.

Yet in order to safeguard the necessary proximity to the external borders and the local competent border police forces, the Agency has the ability to set up so-called specialised branches which will handle operational matters. The Agency's Management Board will be responsible for taking a relevant decision – this is expected to happen at the end of this year. In our opinion, the number of specialised branches should be kept to the absolute minimum in order to avoid fragmentation of the Agency.

The Agency's success will depend hugely on the skills and commitment of its staff – in addition to receiving the necessary support from national border control organisations. It is clear that the Agency's work will be performed by just a few staff to begin with. However, the Member States should do everything in their power to ensure the Agency's staff is increased swiftly.

An initial evaluation of the work performed by the European Border Management Agency has been scheduled for 2007, when a decision is also to be taken, *inter alia*, on whether the Agency is to be entrusted with further tasks, e.g. inspection powers.

The Agency will pool the most successful operational cooperation of European border police forces which has had a decentral organisation up to now, and will provide a degree of coordination and institutionalisation. The Agency is not intended to replace national border controls, nor does it intend to release Member States from their national responsibility for controlling their external borders.

The European Border Management Agency will be the second police security authority alongside EUROPOL to have been set up at European level.

I would like to finish off my speech by saying a few words about another subject area that is of equal major importance to the Hungarian border police, namely the subject of abolishing internal border controls in the enlarged EU.

Despite the establishment of the European Border Management Agency and the initiation of cooperation on a pan-European scale: the basic concept mentioned above, namely that transnational crime can only be effectively prevented through cross-border cooperation naturally applies not just to the area of external borders, but to the field of internal borders within the EU as well.

We all know that controls along internal borders with and between the old and the new EU Member States will soon be abolished; it is currently assumed that they will be abolished in the autumn of 2007. This will once again present the relevant border control organisations with huge challenges.

Controls at the internal borders between Germany and its western neighbours were abolished in 1995. Germany subsequently intensified relations with these neighbours in order to compensate for the abolition of border controls and to continue effectively combating cross-border crime.

Some of these so-called “compensation measures” comprise the following:

- Establishment/expansion of joint centres (bilateral, trilateral) with the neighbouring countries along borders, involving not just border police authorities but also other police authorities (such as police forces of the Federal Länder).
- Creation of a large number of other types of cooperation with neighbouring countries, such as agencies with staff from both countries, joint groups of investigators, implementation of joint patrols /patrols in the border area with staff from both countries

- Conclusion of bilateral agreements with the neighbouring countries and their continual enhancement, for instance, the new German-Dutch Agreement on Police and Judicial Cooperation which was signed by the relevant ministers in early March. The Agreement will enhance judicial assistance in criminal matters by greatly simplifying communication between the respective police and judicial authorities in future. Hot pursuit in the neighbouring country will, for instance, be permitted within a radius of up to 150 kilometres in future, and no restrictions at all will apply where serious crime is involved. In future, police officers in the other country will be permitted to render assistance wearing their own uniform and carrying service weapons.
- Amendments to the Act on the Federal Border Police (Bundesgrenzschutzgesetz) which permits the Federal Border Police,
 - to check persons within a 30 km radius of the border (so-called random checks in border areas), in order to prevent illegal entries or border-related offences.
 - So-called “situation-based” interviews can be carried out. This means that the Federal Border Police will be permitted to check persons within Germany at railway stations and on trains as well as at airports handling cross-border traffic without a specific reason in order to prevent illegal entry and immigration, if there is evidence to prove that these transport routes are being used for the purposes of illegal entry.

All these measures have led to ensuring that although internal border controls have been abolished, it is still possible to effectively combat cross-border crime along internal borders with EU neighbouring countries and that the Federal Border Police does not require fewer staff along internal borders today than it did when it carried out systematic border controls.

Hungary has gained an excellent reputation in Europe in the field of border control so far, for instance, as the organiser of the International Border Police Conference and regarding cooperation at the centres of the European border police forces. I am confident that the Hungarian Border Police Force is on the right track and is well able to cope with the challenges that lie ahead.