DRAFT AGENDA

INTERPARLIAMENTARY COMMITTEE MEETING

European Parliament - National Parliaments

Smart Borders Package: European challenges, national experiences, the way ahead

Monday, 23 February 2015, 15.00 - 18.30
Tuesday, 24 February 2015, 09.00 - 12.30

European Parliament, Brussels

Room JAN 6Q2

Organised with the support of the Directorate for Relations with National Parliaments
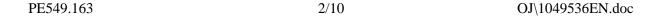
Background and purpose of the meeting

In February 2013 the European Commission presented the legislative proposals comprising together the Smart Borders Package. This package consists of two main elements: the proposal for an Entry/Exit System (COM(2013)95) which would record the time and place of entry and exit of third-country nationals crossing the external borders, calculate the duration of their stay as well as generate an alert when authorised periods for stay have expired and the proposal for a Registered Traveller Programme (COM(2013)97) which would allow certain groups of frequent travellers (i.e. business travellers, family members etc.) from third countries to enter the Union, subject to appropriate pre-screening, using simplified border checks including at automated gates. The two proposals are complemented by a third one amending the Schengen Borders Code "as regards the use of the Entry/Exit System (EES) and the Registered Traveller Programme (RTP)" at the border (COM(2013)96).

The Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) has been discussing these proposals since then and during the last legislative term identified a number of serious concerns in the proposals presented. These concerns and concerns expressed by Member States in the Council as well as by the Commission led to a further technical study. This study was presented in the LIBE Committee on 16 October 2014 by the Commission. On 3 December Commissioner Avramopoulos announced to the Committee that the proposals of 2013 would be withdrawn and replaced by new proposals at the end of 2015 or the beginning of 2016. During 2015 a number of practical tests will be conducted at different borders in order to test certain options in real-life situations.

The meeting is intended to serve as a forum for an exchange of views and information among national and European parliamentarians. The input of national parliaments is sought not only in general terms but also against the background of very diverging national situations (as regards their geographical location, the types of borders, the travel flows etc.) and experiences (as regards, for example, the use of national entry/exit systems or types of registered traveller programmes).
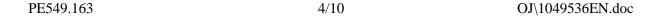
Background documents
The proposals and related documents:

- Proposal for a Regulation establishing Registered Traveller Programme
  http://ec.europa.eu/dgs/home-affairs/doc_centre/borders/docs/1_en_act_part1_v14.pdf
- Staff working document - detailed explanations
  http://ec.europa.eu/dgs/home-affairs/doc_centre/borders/docs/1_en_autre_document_travail_service_part1_v3.pdf
- Accompanying Impact assessment
  http://ec.europa.eu/dgs/home-affairs/doc_centre/borders/docs/1_en_impact_assessment_part1_v3.pdf
- Accompanying Impact assessment summary
  http://ec.europa.eu/dgs/home-affairs/doc_centre/borders/docs/1_en_resume_impact_assessment_part1_v5.pdf
- Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data of third country nationals crossing the external borders of the Member States of the European Union
  Proposal for a Regulation establishing an Entry/Exit System (EES)
- Staff working document - detailed explanations
  Staff working document – detailed explanations
- Accompanying impact assessment
  http://ec.europa.eu/dgs/home-affairs/doc_centre/borders/docs/1_en_impact_assessment_part1_v4.pdf
- Accompanying Impact assessment summary
  http://ec.europa.eu/dgs/home-affairs/doc_centre/borders/docs/1_en_resume_impact_assessment_part1_v6.pdf
- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the use of the Entry/Exit System (EES) and the Registered Traveller Programme (RTP)
  Proposal for a Regulation amending Regulation (EC) No 562/2006
- Opinion of the European Data Protection Supervisor on the Proposals for a Regulation establishing an Entry/Exit System (EES) and a Regulation establishing a Registered Traveller Programme (RTP)
  http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/09_10_edpsopinion_/09_10_edpsopinion_en.pdf
- Opinion 05/2013 on Smart Borders of the Article 29 Data Protection Working Party adopted on 6 June 2013
  http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/9_10_wp29opinion206_/9_10_wp29opinion206_en.pdf
- Technical Study on Smart Borders - Final Report
  http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/smart_borders_report_/smart_borders_report_en.pdf
- Technical Study on Smart Borders -Cost Analysis - Final Report
  http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/14_cos

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- Working document DIAZ DE MERA GARCIA CONSUEGRA/FAJON on the amendment of Regulation (EC) No 562/2006 as regards the use of the Entry/Exit System (EES) and the Registered Traveller Programme (RTP)
  http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dt/1044/1044381/1044381en.pdf
- Working document DIAZ DE MERA GARCIA CONSUEGRA on the Entry/Exit System to register entry and exit data of third country nationals crossing the EU Member States' external borders
  http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dt/1044/1044352/1044352en.pdf
- Working document FAJON on the Registered Traveller Programme
  http://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dt/1044/1044363/1044363en.pdf
- National Parliaments positions on the Proposal for a Regulation establishing a Registered Traveller Programme (RTP)
  http://www.ipex.eu/IPEXL-WEB/dossier/dossier.do?code=COD&year=2013&number=0059&appLng=EN
- National Parliaments positions on the Proposal for a Regulation establishing an Entry/Exit System (EES)
  http://www.ipex.eu/IPEXL-WEB/dossier/dossier.do?code=COD&year=2013&number=0057&appLng=EN
- National Parliaments positions on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the use of the Entry/Exit System (EES) and the Registered Traveller Programme (RTP)
  http://www.ipex.eu/IPEXL-WEB/dossier/dossier.do?code=COD&year=2013&number=0060&appLng=EN

Order of business
Monday, 23 February 2015

15.00 - 15.05	**Opening by Claude MORAES**, Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament
15.05 - 15.10	**Opening by Ainārs LATKOVSKIS**, Chairman of the Defence, Internal Affairs and Corruption Prevention Committee, Saeima (Parliament of Latvia)

15.10 - 17.10	**SESSION I: The need for Smart Borders** *(Necessity, proportionality, purposes of the systems)*

This session is intended for a political debate on the new systems, the purpose(s) they are intended to serve and whether their envisaged set-up would be proportional. The session could also look at different options for the systems (biometrics, data retention etc).

Possible topics during this session could include:

How is the situation at the border today? What are the problems the proposals aim to address? To what degree vary the problems at the different borders? What are possible solutions? What can the existing systems (SIS II, VIS, Eurodac) achieve and what not? Are an EES and a RTP necessary and proportionate?

Moderator:	**Claude MORAES**, Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament
15.10 - 15.40	Rapporteurs (15 minutes each rapporteur)
15.40 - 15.55	Council Presidency
15.55 - 16.10	Commissioner
16.10 - 17.10	Questions and answers / debate

17.10 - 18.30	**SESSION II: Smart borders' proof of concept exercise**

Following the concerns raised by Parliament and Council about the 2013 legislative proposals the Commission launched a proof of concept exercise aimed at identifying options for implementing the Smart Borders package. This exercise consists of two stages:

1. A Commission-led Technical Study aimed at identifying and assessing the most

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suitable and promising options and solutions.

2. Testing entrusted to the Agency for the Operational Management of large-scale IT Systems in the area of Freedom, Security and Justice (eu-LISA), aimed at verifying the feasibility of the options identified in the Technical Study and validating the selected concepts for both automated and manual border controls.

The session is intended to provide a comprehensive overview of the state of play of the "proof of concept" and allow for an exchange of views on it.

Moderator: **Member of national parliament**

Speakers:

17.10 - 17.25 **Rob ROZENBURG**, DG HOME, European Commission, Head of Unit
Results of the Technical Study on Smart Borders: European Commission

17.25 - 17.40 **Giovanni BUTTARELLI,** EDPS,

A data protection perspective

17.40 - 17.55 **Krum GARKOV**, Director, eu-LISA

The testing phase: eu-LISA

17.55 - 18.30 Questions and answers / debate

Followed by a Cocktail reception for Members of both the National and European Parliaments

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Order of business
Tuesday, 24 February 2015

09.00 - 10.30	SESSION III: Characteristics of and challenges for different types of borders

The current situation and future challenges are very diverse across the EU Member States and at the different external border crossing points. Numbers of travellers, nationalities, means of transport, climate conditions etc. vary greatly. The impact that new systems would have on the border therefore also differ.

The session is intended to get a first-hand view of border guard services working at different borders. Members of national parliaments could add from their national experiences in the following debate.

Moderator:	**Kinga GÁL**, Vice-Chair of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament
Speakers:	
09.00 - 09.10	**Vesa BLOMQVIST,** Head of Unit, Border Guard Department of the Finnish Ministry of the Interior - Land Borders
09.10 - 09.20	**Ronald HARMSMA,** Brigade General, Director Operations of the Royal Netherlands Marechaussee - Air Borders
09.20 - 09.30	**Francisco José BARCELÓ ARJONA,** Algeciras Port, Spain - Sea Borders
09.30 - 10.30	Questions and answers / debate

10.30 - 12.00	SESSION IV: Law enforcement access

A use for law enforcement purposes was not proposed by the Commission. The Commission proposed, however, that the first evaluation of the system two years after the start of operation would "specifically examine the contribution the [EES] could make in the fight against terrorist offences and other serious criminal offences and will deal with the issue of access for law enforcement [...]". (Art. 46(5)) Member States, however, seem to favour such an access from the start. This session aims to discuss the idea of law enforcement access in all aspects.

Moderator:	**José MAGALHÃES**, Member of the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees, Assembleia da República (Parliament of Portugal

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Speakers:

10.30 - 10.45   *Speaker, NN*

10.45 - 11.00   **Evelien BROUWER**, Associate Professor, Migration Law
                   Law Faculty Vrije Universiteit Amsterdam

11.00 - 12.00   Questions and answers / debate

12.00 - 12.30	**SESSION V: The way ahead**

Conclusions by the rapporteurs

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ANNEX

IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE MEETING

This meeting is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the secretariat (libe-secretariat@europarl.europa.eu) **before 18 February at noon**. It is essential to provide us with your **LAST NAME, First name, date of birth, nationality, type of ID (passport, identity card, driving licence, etc.), number of ID, address and company/institution/organisation.** Without this information, the Security Service will not provide entry passes.[1]

All participants from national Parliaments (Members, officials and Brussels-based representatives) need to complete the online registration form for the event at the following web address:
http://www.opinio.europarl.europa.eu/opinio/s?s=secured_icm_libe

PRACTICAL GUIDELINES FOR THE DEBATE

• During the discussion, so as to make it possible for the highest number of parliamentarians to intervene, speaking time of speakers will be limited as indicated in the draft programme. Speaking time of other participants will depend on the number of parliamentarians wishing to intervene and the available time.
• Members are kindly asked to fill in the sheet requesting speaking time (indicating their name and parliament) which will be distributed in the meeting room.
• Speakers wishing to supplement their speeches may do so in writing by submitting a document (preferably in English or French) in advance to the secretariat (email:libe-secretariat@europarl.europa.eu). These documents will be circulated during the meeting.
• Meeting documents will be progressively added to the Events section of the LIBE Committee pages:
http://www.europarl.europa.eu/activities/committees/homeCom.do?language=EN&body=LIBE and to the WebNP event webpage: http://www.europarl.europa.eu/webnp/cms/lang/en/pid/1863

THE MEETING IS BROADCASTED LIVE AND RECORDED
LIBE Committee pages:
http://www.europarl.europa.eu/activities/committees/homeCom.do?language=EN&body=LIBE

ADDITIONAL INFORMATION

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[1] The processing of personal data is subject to Regulation (EC) No 45/2001of 18 December 2001 (OJ.L 8 12.1.2001, p. 1

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