NOTE

from: French Presidency

to: CIREFI

Subject: Meeting of experts on the early warning and rapid reaction system

A meeting of experts concerning improvements in the operation of the early warning and rapid reaction system was held in Brussels on 10 October 2000, arranged by the Chair of CIREFI and attended by the Austrian, Belgian, German, Netherlands, Swedish and United Kingdom delegations and by the Commission.

The idea of holding that meeting had been decided on at the CIREFI meeting on 12 July 2000. Its purpose was to consider Member States' contributions on the subject and put forward proposals for improving the present system, in preparation for the CIREFI meeting on 23 October 2000. The experts' remit had been approved by all Member States.

The aim was thus, in accordance with the conclusions of the European Council meeting in Tampere, as reiterated in Feira, to consider ways of stepping up and improving information-sharing on illegal immigration, with the early warning and rapid reaction system obviously providing one of the channels for such cooperation.
For the scheme introduced under the Council Resolution of 11 May 1999 on the creation of an early warning system for the transmission of information on illegal immigration and facilitator networks, then, ways were to be found of improving its operation and response time by enabling all European partners concerned to receive, at an early stage, operational information on potential migration risks and threats requiring a rapid response from States, so that they could promptly take the most appropriate action.

By way of introduction, it should be pointed out that the United Kingdom, seconded by the Netherlands, expressed doubts as to whether there was any justification for improving the early warning system. The United Kingdom delegation regarded the very little use made of the system since its introduction as sufficient in itself to show that this was an ineffective procedure, with any attempt to improve it bound to prove fruitless. It took the view that other, more effective methods should be sought, although it did not put forward any specific proposals for the purpose.

Germany strongly advocated the need to make the present system work as well as possible and to render it compulsory, since it had the virtue of being the only available multilateral real-time data transmission facility.

The Presidency pointed to the political commitments made at European level to step up cooperation in sharing information on unlawful flows, thus placing all Member States under an obligation to provide means of doing so, and discussions produced the proposals to be put to CIREFI on 23 October 2000, on the basis of contributions in writing from the Belgian, Danish, German, Italian, Netherlands, Austrian, Portuguese, Spanish, Finnish, Norwegian and United Kingdom delegations and the Commission:
1. **Establishment of the scope of the early warning and rapid reaction system**

Aside from bilateral information-sharing by way of central immigration services or through liaison officers and in addition to the work of Europol, concerning police investigations and exchange of intelligence on named individuals, the early warning and rapid reaction system should provide the prime communication channel with regard to any newly emerging transnational unlawful migration problem.

The scope of the information to be reported should be broad enough to cover a variety of types, in particular data:

- collected in source and transit countries, via the network of liaison officers upstream as well as diplomatic representations;
- on non-compliance by carriers;
- on new *modi operandi* used by networks, particularly where they enable joint control arrangements to be bypassed or take advantage of a lack of coordination between Member States' various units;
- indirectly revealing shortcomings or flaws in the chain of external border control operations (e.g. visa issue conditions).

2. **Object of the exercise: eliciting an immediate response from Member States**

The system should enable every Member State receiving information on a threat at its borders or a weak link in its own arrangements immediately, of its own initiative, to take the necessary steps for its own purposes and to inform its partners without delay.
Such rapidity of response should be organised in various ways:

- emergency measures to be taken without delay (instructions to border posts and alerting of consulates as regards visa issue);
- implementation of joint measures or concerted action requiring the involvement of a number of Member States;
- referral of the matter to other Council bodies.

Implementation of the last two points could be discussed at forthcoming CIREFI meetings.

3. Procedure

The present effectiveness of the early warning and rapid reaction system appeared to be compromised by practical considerations of keeping lists of contact points up to date, transmission hitches and choice of working languages understood by as many States as possible.

- Contact points

It was important to designate contact points able to react immediately, even outside normal office hours and on non-working days.

Each Member State should undertake to report any change in national contact points (where appropriate, giving further details for night-time, weekends and public holidays) without delay to the General Secretariat of the Council, which would supply a revised copy of the list to all units concerned.
Means of transmission

It was agreed to compile, by the time of CIREFI's next meeting, a number of technical details regarding the feasibility of eventually using e-mail (with minimum security features), instead of fax as at present.

Working language

It was proposed that present practice be maintained and messages under the system be sent in English or French.

4. Revision of the present layout of the form

A new, more user-friendly layout of the form was proposed (see attached). Entries should be made by on it using a word processor. This would make the form easier to read; it would also simplify the inclusion in each section of any further details required, thereby for the most part obviating the need to add any explanatory attachment.

5. Legal force of the early warning and rapid reaction system

The French Presidency, with the support of the German delegation and the Commission, considered that, in order to inject some momentum, the system should be given greater mandatory force. One way of doing so would be to convert the present Council Resolution into a decision, based on Article 66 of the Treaty, concerning measures to ensure cooperation between border control authorities.

It was agreed to ask the Council Legal Service to consider that proposal.

The United Kingdom and the Netherlands were opposed to such a move in view of their basic reluctance, as explained above, to see the system continued.

ANNEX
**Ad hoc information exchange form**

**Date:** ...........................................

**Subject:** ........................................................................................................................................................................

**Reporting State:** ........................................................................................................................................................................

1. **Place and date of detention** ☐ or suspected entry ☐ .......................................................... ..........................................................
   - at the border (land ☐, sea ☐, air ☐) ...........................................................................................
   - inside the country ☐ ...................................................................................................................

2. **Nationality (nationalities) of third-country nationals** (ISO code): .............................................................
   - (a) Number of persons: ...................................................................................................................
   - (b) Comments: ............................................................................................................................

3. Illegal border crossing using facilitators: ☐ Yes ☐ No
   - (a) Nationality (nationalities) and number of facilitators (ISO code): ...........................................
   - (b) Comments: ............................................................................................................................

4. **Means of transport:**
   - (a) on foot
   - (b) car
   - (c) minibus
   - (d) bus/coach
   - (e) lorry
   - (f) aeroplane
   - (g) passenger train
   - (h) goods train
   - (i) ship

   Comments: ..........................................................................................................................................

5. **Route:** coming from ........................................... via ....................................................... to ............................................................

6. **Travel or identity documents used**

   6.1. **Type of document:**

<table>
<thead>
<tr>
<th>☐ ordinary passport</th>
<th>☐ service passport</th>
<th>☐ diplomatic passport</th>
<th>☐ non-convention alien's identity document</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Convention travel document (1951 Geneva Convention)</td>
<td>☐ national identity document</td>
<td>☐ residence permit</td>
<td>☐ other</td>
</tr>
</tbody>
</table>

6.2. **Country in which travel or identity document issued** (ISO code): ............................................................

7. **Visa used**

   7.1. **Type of visa:**

<table>
<thead>
<tr>
<th>☐ airport transit</th>
<th>☐ short stay</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ transit</td>
<td>☐ long stay</td>
</tr>
</tbody>
</table>

7.2. **Date and place of issue:** .....................................................................................................................

7.3. **Country issuing visa** (ISO code): ..............................................................................................................

8. **Type of forgery:**

   | ☐ 1. counterfeit |
   | ☐ 2. falsification |
   | ☐ photograph substituted |
   | ☐ entries altered |
   | ☐ pages replaced |
   | ☐ 3. stolen blank |
   | ☐ 4. use of foreign official documents |
   | ☐ 5. undefined |

9. **Number of suspicious documents:** .............................................................................................................

10. **Action taken:** .............................................................................................................................................

**Accompanying sheet: additional information ☐**