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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European Commission
Directorate-General Justice, Freedom and Security

• 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**

- Council Framework Decision of 19 July 2002 on combating trafficking in human beings
- 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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Living in an area of freedom, security and justice.

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
Operational Activities in 2007 – Sea Border Sector

Participating Member States:
BG, CY, ES, FR, GR, IT, MT, PT, RO, SI

Implementation: whole 2008 (permanent implementation)

EPN Operational Area

Patrolling Areas:
A-Portugal/Spain
B-France/Spain
C-France/Italy
D-Italy/Slovenia
E-Italy/Malta
F-Greece/Italy
G-Cyprus/Greece

Joint Operational Areas, JOA:
H-Bulgaria/Romania
I-Greece/Bulgaria

Last updated: 3rd May 2008
Centralised Record of Available Technical Equipment

**21** Helicopters

**20** Fixed wing

**23** signed MoU

**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

**111** Vessels

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**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

**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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- 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
- 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)

Thank you for your attention

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