



European Economic and Social Committee

SOC/186
ARGO Programme

Brussels, 27 October 2004

OPINION

of the European Economic and Social Committee

on the

Proposal for a Council decision amending Decision No. 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)

COM(2004) 384 final - 2004/0122 (CNS)

On 10 June 2004, the Council decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the

Proposal for a Council decision amending Decision No 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)
(COM(2004) 384 final - 2004/0122 (CNS)).

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 22 September 2004. The rapporteur was Mr Pariza Castaños.

At its 412th plenary session of 27 and 28 October 2004 (meeting of 27 October), the European Economic and Social Committee adopted the following opinion by 172 votes to two with five abstentions.

1. Introduction

1.1 The Treaty of Amsterdam incorporated a new pillar of Community policy based on establishing a European area of freedom, security and justice; this includes Community policies on external borders, visas, asylum and immigration.

1.2 In October 1999, the Tampere European Council drew up various proposals for a common EU migration and asylum policy.

1.3 One of the Tampere proposals was for closer co-operation and mutual technical assistance between the Member States' border control services and this proposal was reiterated at the Seville (2002) and Thessaloniki (2003) Councils.

2. Commission proposal

2.1 The ARGO programme promotes administrative cooperation in the fields of external borders, visas, asylum and immigration. It was adopted by the Council on 13 June 2002, the same day on which the Council adopted a Plan for the management of the external borders of the Member States of the EU.

2.2 The aims of this programme are to promote cooperation, to promote the uniform application of Community law, to improve the implementation of Community rules, to ensure that proper account is taken of the Community dimension in the organisation of national agencies, and to encourage transparency of the actions taken by these agencies.

2.3 In order to achieve these aims, four specific areas of activity were set out: external borders, visa policies, asylum policy and immigration policy.

2.4 Borders: the aim is to carry out controls in accordance with the provisions of EU law, in particular the Schengen *acquis*; to provide an equivalent level of surveillance and protection at borders; and to reinforce the effectiveness of the instruments in place.

2.5 Visas: the aim is to ensure that issuing procedures comply with the provisions of EU law and to ensure that there is an equivalent level of control and security when issuing visas; to harmonise the examination of visa applications; visa requirements and exceptions to the general visa system, whilst pressing ahead with enhancing consular cooperation.

2.6 Asylum: the intention is to promote a common system, leading to a uniform status for refugees; to establish, by means of an appropriate process, a system for determining which country is responsible for examining a request for asylum; and to harmonise national legislation, establishing minimum standards for asylum procedures.

2.7 Immigration: the aim is to draw up common rules for entry and residence conditions for third-country nationals and to draw up a European long-term resident's statute. Legal channels for economic immigration must be opened and illegal immigration must be combated.

2.8 The Seville European Council invited the Commission to examine the issues related to the sharing of the financial burden for the management of the external borders. The Commission considers that an adequate solution for burden sharing will have to wait for the post-2006 financial perspective. It therefore believes that the proposal to amend ARGO constitutes only a short-term measure, to be used until the budgetary framework for the future is adopted.

2.9 In its assessment of the ARGO programme's first operating year (2003), the Commission noted that it is underperforming. Less than 50% of available funds have been spent, due to the difficulties experienced by national administrations in working together with the other Member States on drawing up the projects to be promoted and funded by the programme.

2.10 The intention behind this amendment of the ARGO programme is to provide financial support for **national projects** in the area of external borders, addressing specific structural weaknesses, at strategic border points, identified on the basis of objective criteria (risk assessment) that will be set out in the annual work programme drawn up by the Commission in conjunction with the ARGO Committee.

2.11 The ARGO Committee will have a budget of EUR 46.1 million until 2006, with EUR 21.3 million being concentrated in 2004.

2.12 The Community interest is guaranteed under Articles 62, 63 and 66 of the Treaty and by the Schengen *acquis*. The United Kingdom and Ireland will adopt the corresponding decision in accordance with the Treaty.

3. Comments

3.1 The EESC considers that this amendment of the ARGO programme should ensure that financial support under the programme goes to national external border projects, but wishes to emphasise that the strategic nature of the projects must be agreed on by the ARGO Committee, acting on the Commission's proposal, by means of a risk assessment on the basis of objective criteria agreed on by a majority of Member States.

3.2 The difficulties experienced by the national administrations in cooperating amongst themselves under the ARGO programme have highlighted the lack of cooperation between Member States in managing the external borders.

3.3 The EESC considers that in future we will have to go beyond administrative cooperation and create a system of Community solidarity in the fields of external borders, visas, asylum and immigration, under a common policy. The financial perspectives for 2007 will have to take account of this approach.

3.4 The EESC cannot understand why the Council should have experienced so many delays and problems in setting up the proposed European Agency for the management of operational cooperation at the external borders¹.

3.5 The EESC calls for the authorities to ensure that under the administrative cooperation in the fields of external borders, visas, asylum and immigration, all individuals are always treated with humanity and dignity, in accordance with the EU Charter of Fundamental Rights and with international conventions on human rights.

3.6 The EESC opinion² on the Rules of Procedure of the proposed European Agency for the management of operational cooperation at the external borders contained the following observations that are included in this opinion:

3.6.1 *The EESC wishes to stress that effective border controls must not jeopardise the right to asylum. Many people needing international protection arrive at the external borders through illegal channels. The authorities must ensure that these people can apply for protection and that their application is assessed in accordance with international conventions and Community and national legislation. Until the administrative and judicial procedures governing asylum seekers are resolved, these people cannot be removed and must be given the corresponding protection.*

¹ COM(2003) 687 final – 2003/0273 (CNS)

² See the EESC opinion on the Proposal for a Council Regulation establishing a European Agency for the Management of Operational Co-operation at the External Borders of 29 January 2004 (OJ C 108 of 30.4.2004 - Rapporteur: Mr Pariza Castaños)

3.6.2 *The lack of effective controls at external borders is often exploited by criminal networks that traffic in human beings and have no qualms about putting people's lives at serious risk in order to increase their illegal profits. In its opinion on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings³ the EESC pointed out that the authorities must protect victims, in particular the most vulnerable, such as children, and victims of trafficking for sexual exploitation, with the same energy with which they combat criminal networks that traffic in and exploit human beings.*

3.6.3 *The EESC has already stated in earlier opinions that effective management of the external borders requires close cooperation between the border authorities in the Member States, and between authorities in the countries of origin and countries of transit, through liaison officers.*

Brussels, 27 October 2004.

The President
of the
European Economic and Social Committee

The Secretary-General
of the
European Economic and Social Committee

Anne-Marie Sigmund

Patrick Venturini

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See OJ C 221 of 17.9.2004 – Rapporteur: Mr Pariza Castaños