

DECLARATION

The European Union will in the near future discuss various new initiatives to improve control on persons travelling to and from the European Union. Three recent communications from the Commission¹ aim to start a discussion on the next steps on border management, the creation of a European Border Surveillance System and the evaluation of Frontex.

Together with measures already introduced or soon to be introduced aimed at enhancing the monitoring of travellers for border control, visa policy and law enforcement activities, the present communications clearly indicate a trend to full control and surveillance of persons entering or leaving the Schengen area, irrespective of their nationality.

Although efficient border management is necessary to protect the Union against possible threats, this should never impinge in a disproportionate way on the right and freedoms of travellers, and especially their right to privacy. The monitoring of travellers has to be well founded and can only be allowed in exceptional cases and for justified and specific purposes. Any general surveillance poses unacceptable risks to the freedom of individuals.

Another issue that needs reflection is the underlying concept of distrusting travellers by isolating selected "good faith" travellers from all other travellers, even considering the latter as potential law breakers. This will involve screening before and at the gate, controlling the passing of borders and the automatic processing of specific data of travellers. This concept does little to translate into reality "the symbolic effect of showing the EU as open to the world"², as mentioned in the communication of the Commission and it is even doubtful whether it fits in with the values of the European Union.

The Conference already called upon the Members of the European Union and the Commission, the Council and the European Parliament to first evaluate whether already existing legal measures are implemented and executed in an effective way³. A new proposal should be put forward only when clear evidence is available to support new action.

Until now no evaluation took place on the effectiveness of the implementation of existing legal measures and no reliable evidence is presented to support the need for new systems nor has any evidence been brought as to the need to supplement the ongoing initiatives in the field.

Information presented by the Commission about the envisaged systems does not clearly prove their effectiveness. In view of the costs, direct and indirect, for freedoms and liberties -not even to mention the financial aspects- of the establishment of new systems such as the entry-exit system, there should also be sound evidence that this system is the most adequate response to the issue it is meant to tackle.

Since this seems not the case, the Conference calls upon the European Union to carefully consider the necessity and proportionality of any further action in the light of the comments made above, with particular regard to the proposals envisaged in the communications of the Commission.

¹ COM (2008) 69 final,
COM (2008) 68 final,
COM (2008) 67 final.

² COM (2008) 69 final, page 6.

³ Larnaca Declaration on availability, May 2007