



Brussels, 16.5.2018
COM(2018) 303 final

2018/0153 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the creation of a European network of immigration liaison officers (recast)

{SWD(2018) 197 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

In its swift and determined response to the migratory crisis experienced in recent years, to the pressures on the common external border and human tragedy in the Mediterranean, the EU put forward a comprehensive strategy intended to manage similar migration challenges in the future. The new Partnership Framework with priority third countries was adopted in 2016¹ with the aim to go beyond addressing immediate needs and to lay the foundations of an enhanced cooperation with countries of origin, transit and destination with a well-managed migration and mobility policy at its core. All actors, including Member States and EU institutions were called to act in a coordinated manner putting together instruments, tools and leverages to fulfill the clear priorities set with third countries to better manage migration in full respect of humanitarian and human rights obligations.

With almost 500 immigration liaison officers (referred as ILOs) currently deployed by Member States to third countries, and the EU stressing the critical need to enhance partnership with third countries, it is imperative to use these liaison officers to ensure synergies between financial and operational support instruments and inform evidence-based policy making vis-vis these countries.

Although partnership working through immigration liaison officers with third countries was recognized as important already in 2004, when the Council, on the basis of an initiative by Greece and with regard to the opinion of the European Parliament, adopted Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network (referred as ILO Regulation)², its impact of improved coordination and information exchange has not been fully realised. The Regulation was amended by Regulation (EU) No 493/2011 of the European Parliament and of the Council of 5 April 2011³. The ILO Regulation constitutes a development of the provisions of the Schengen *acquis*.

The existing ILO Regulation sets out the obligation to establish local or regional cooperation networks among immigration liaison officers of Member States and outlines the objectives of such cooperation, as well as ILOs' tasks in relation to the third country and their responsibilities vis-à-vis the sending Member State. Article 1(1) of the ILO Regulation defines "*immigration liaison officer*" as any representative of one of the Member States, deployed abroad by the immigration service or other competent authorities in order to establish and maintain contacts with the authorities of the host country with a view to contributing to the prevention and combating of illegal immigration, facilitating the return of illegal immigrants and managing legal migration. Article 1(2) of the ILO Regulation specifies that "liaison officers who are dealing with immigration issues as part of their duties" are also to be considered as immigration liaison officers. This definition includes in practice "airline liaison officers", "document advisors" and "law enforcement liaison officers", as far as they are called to fulfil the aforementioned tasks.

Immigration liaison officers are usually deployed to the consular offices of Member States in third countries, but could also be deployed to the competent authorities of the third countries, as well as to international organisations, for a time period to be determined by the deploying Member State. Member States started deploying liaison officers in the early 1990s and since

¹ COM(2016) 385 final.

² OJ L 64, 2.3.2004, p. 1–4.

³ OJ L 141, 27.5.2011, p. 13–16.

the adoption of the ILO Regulation in 2004, the number of officers has grown from 129 to an estimated 492 in 2018, with deployments in 105 third countries. While not all Member States deploy ILOs⁴, the largest numbers of national ILOs are deployed by Germany, France, Spain, The Netherlands and the United Kingdom.

Furthermore, the amendment of the ILO Regulation adopted in 2011 provided for a cooperation between EBCG Agency and the ILO networks, promoted the use of ICONet for regular exchange of information and practical experiences within the local networks and aimed at rationalising the reporting system related to the activities of ILO networks through the bi-annual Presidency reports.

The role of ILOs is largely recognised from a perspective of managing the EU external borders in accordance with the Schengen *acquis*. Such work includes the provision of advice to competent third country authorities in support of their efforts to tackle illegal immigration, counter cross-border crime or detect documents' fraud. Moreover, ILOs have operational expertise, first-hand knowledge and contacts in third countries that are highly relevant and useful in enhancing cooperation with these countries and fulfilling information and policy development needs in the field of migration at the European level.

However, the external evaluation of the current ILO Regulation, completed in August 2017, highlighted that the Regulation has had a limited and mostly indirect impact on the establishment of formal networks among ILOs deployed to the same location, on enhancing the collection and sharing of information and on improving coordination of the EU position and activities vis-à-vis third countries.

The evaluation concluded that immigration liaison officers and their networks remain highly relevant in the current global migration context and retain coherence with existing and planned European polices aimed at tackling irregular migration in particular, but it also identified shortcomings. It identified that the limitations of the current ILO Regulation are due to insufficient coordination and engagement at the EU level, caused by neglecting to address the fact that the vast majority of ILOs are Member State resources, (96% of all deployments), with clear bilateral objectives and tasks guided and set by the so-called ILO “back-offices” in their national administrations. The limited effectiveness, level and scope of information sharing has impeded the systematic flow of strategic and operational information both upwards from the ILO Networks to the EU i.e. Commission, the High Representative for Foreign Affairs and Security Policy, EU Agencies and EU Delegations in third countries and horizontally across the networks and Member States. Moreover, the current instruments designed for enhancing information exchange, notably the Presidency reports provided for in Article 6(1) the ILO Regulation and ICONet⁵ as referred to in Article 3(3) of the current Regulation, are infrequently used by Member States ILOs and therefore have proven largely ineffective. The evaluation has also shown that other forms of reporting remained decentralised and fragmented across Member States, with ILOs reporting on a bilateral basis directly to their own national administration.

Furthermore, the possibilities offered by the Regulation, such as common use of the ILOs deployed to the same location or joint deployments co-financed from the EU budget, have not been fully exploited by Member States. At the same time new European liaison officers' functions including officers of the European Border and Coast Guard Agency (EBCG Agency) and European Migration Liaison Officers (EMLOs) have been established in priority

⁴ 17 Member States as well Switzerland, Norway deployed ILO in January 2018.

⁵ Council Decision of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (2005/267/EC) repealed by Regulation (EU) 2016/1624 on the European Border and Coast Guard.

third countries to maximize the impact of Union action on migration in third countries and enhance the engagement of key countries of origin and transit, as well as to step up coordination and cooperation with ILOs.

The objective of the revision of the ILO Regulation is to enhance coordination and to optimise utilisation of immigration liaison officers, including the new European liaison officers deployed to third countries to enable them to respond more effectively to EU priorities in the field of migration.

Given that ILOs' line of command (tasking and reporting) is conducted within national authorities, the revision seeks to strengthen engagement at the European level. The proposal aims at reinforcing cooperation between Member States by establishing a formal governance mechanism ("Steering Board") composed of representatives of the Commission, Member States ILOs' back offices and EU Agencies. The Steering Board should meet regularly to provide a platform for planning and co-ordinating the development and operation of networks based on EU migration management related strategic and operational priorities. These would be agreed collectively between the EU and Member States, for example in case of sudden flows of migrants. By closer understanding of the capabilities and capacities available, the EU will be better equipped to target its interventions and responses to the different areas of migration policy.

Lastly, the evaluation and related consultations of the current ILO Regulation unanimously supported that there is little, if any, value in bi-annual Presidency reports⁶ covering the activities of ILO networks and the illegal migration situation in specific third countries. Therefore, the proposal terminates this obligation and introduces reporting on subjects of shared EU interest discussed and agreed with the Steering Board. It also provides for systematic updates on current and intended deployment of liaison officers by all sending entities.

- **Consistency with existing policy provisions in the policy area**

This proposal responds to the calls of the European Parliament and the European Council to develop coherent and credible policy with regards to preventing and countering illegal migration, tackling migrant smuggling and trafficking in human beings, enhancing return of illegally staying third-country nationals and managing effectively the external borders of the European Union. Clear orientations to this end were set out by the European Council in April 2015⁷ which recalled the need for greater cooperation among Member States and the Commission and the countries of origin and transit in order to control illegal immigration.

In 2015, the European Agenda on Migration⁸ and the EU Action Plan against Migrant Smuggling (2015-2020)⁹, identified the evaluation of the application of the existing ILO Regulation as one of its priority actions in view of enhancing information sharing and better prevention of illegal immigration and migrant smuggling. At the same time, the Commission announced deployment of EMLOs, with the purpose of strengthening of the EU Delegations' capacities in the field of migration. At present, EMLOs are deployed to 13 priority countries¹⁰, and have joined ILO networks to closely coordinate the work in this field with other liaison officers on the ground.

⁶ Format of the report was specified in Commission Decision 2005/687/EC.

⁷ <http://www.consilium.europa.eu/en/press/press-releases/2015/04/23/special-euco-statement/>.

⁸ COM(2015) 240.

⁹ COM(2015) 285.

¹⁰ Ethiopia, Jordan, Lebanon, Mali, Morocco, Niger, Nigeria, Pakistan, Senegal, Serbia, Sudan, Tunisia and Turkey.

Two years later, in the Communication on the Delivery of the European Agenda on Migration¹¹, the Commission announced that, based on the outcome of the evaluation of the ILO Regulation, a common framework and clear mandates of staff deployed to third countries to take actions to counter migrant smuggling would be established through the revision of the current legal framework. This is further in line with the policy priorities identified in the Communication on Trafficking in Human Beings¹², to improve coordination of the internal and external aspects of EU anti-trafficking action, including through relevant networks.

With this proposal, the Commission contributes to the overarching policy priorities in the area of countering illegal immigration and management of migration and the Union's external borders. This proposal builds on existing policy, notably the current Regulation which establishes tasks of ILOs and creates ILO network but brings it to a qualitatively different level. This proposal substantially expands upon the ability of the ILO networks to respond effectively and in a timely manner to present or future migration related challenges by proactively reinforcing, assessing, and coordinating the actions of Member States, the Commission and Union Agencies in the implementation of joint measures outside or at the external EU borders. This revision will also allow for exploiting in full the potential of the network of liaison officers deployed by the Commission and Union Agencies.

- **Consistency with other Union policies**

This proposal is closely related to and complements a number of Union activities on the policy area of migration, namely:

- **Prevention of and countering of migrant smuggling and trafficking in human beings** given that the effective actions against criminal activities by smugglers and traffickers must be undertaken along the entire migratory route, starting upstream in third countries of origin and transit;
- **Return of illegally staying third-country nationals**, for which improvement of practical cooperation and arrangements with countries of origin is an essential precondition to ensure the implementation of existing readmission agreements and finalisation of on-going negotiations as well as the enforcement of return decisions;
- **Integrated Border Management** that identifies risks for internal security and threats that may affect the functioning or security of the external borders, cooperation among Member States, with the support and coordination of EBCG Agency, as well as cooperation with third countries, in particular with neighbouring countries and those third countries which have been identified through risk analysis as countries of origin and transit;
- **Legal migration and Integration**, which are integral parts of the EU's overall cooperation with third countries on migration issues and essential for a smart and effective management of migration flows, in particular by embracing the concept of Integration Liaison Officers in Embassies in key third countries, as outlined in the 2016 Integration Action Plan¹³;
- **External relations policy of the Union** given that the immigration liaison officers deployed to third countries should facilitate and encourage operational cooperation between Member States and third countries, including by liaising with third

¹¹ COM(2017) 558.

¹² COM(2017) 728 final.

¹³ COM(2016) 377.

countries' authorities on migration management, protection, migrant smuggling, trafficking in human beings, return and readmission as well as management of borders;

- **Data protection** insofar as this proposal ensures the protection of fundamental rights of individuals whose personal data is processed.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

This legislative proposal is based on Article 79(2) of the Treaty on the Functioning of the European Union (TFEU), which authorise the European Parliament and the Council to adopt measures in the area of legal immigration, illegal immigration and unauthorised residence, including removal and repatriation of persons residing without authorisation and combatting trafficking in persons, as well as on Article 74, which authorises Council to adopt measures aiming to ensure administrative cooperation between relevant departments of Member States in the area of Freedom, Security and Justice.

- **Subsidiarity (for non-exclusive competence)**

The objective of this proposal is to ensure optimal utilisation of immigration liaison officers, including those deployed by the Commission and Union Agencies to third countries, in order to implement more effectively EU migration policy priorities, such as preventing and combatting illegal immigration, facilitating return of illegally staying third country nationals as well as supporting management of legal migration, including in the area of international protection, resettlement and pre-departure integration measures, in a more effective manner. Meeting these objectives requires a coordinated approach at the EU level, involving all national authorities and EU bodies responsible for the deployment and management of liaison officers dealing with migration issues in third countries. The prevention and countering of illegal immigration, in particular, is a shared interest of all Member States, which the Member States cannot achieve alone, thereby necessitating coordinated action at the European level and targeted measures in full respect to the principle of subsidiarity as set out in Article 5(3) of the Treaty on European Union.

- **Proportionality**

The legislative proposal will respond to the new challenges and political realities faced by the Union, both as regards migration management and internal security. It establishes mechanisms that will allow for a more effective management of the immigration liaison officers, including those deployed by the Commission and Union Agencies to third countries, as part of the measures which contribute to the implementation of the European migration policy in all its aspects. It ensures that information is gathered and shared and that appropriate action is taken to prevent illegal immigration, counter migrant smuggling and trafficking in human beings by intervening at an early stage at the external borders. Moreover, it supports the management of legal migration including in the area of international protection, resettlement and pre-departure integration measures, in full respect of the national structures and procedures.

The proposal constitutes a further development of the Schengen *acquis* in combatting illegal immigration. It enhances cooperation between the relevant EU Member States' national authorities, as well as between them and the Commission and Union Agencies in full respect

of proportionality principle set out in Article 5(4) of the Treaty on European Union and without going beyond what is necessary in order to achieve the key objectives.

- **Choice of the instrument**

The necessary degree of uniformity required for the effective governance of a European network of immigration liaison officers in third countries can be achieved only through a Regulation, with this being confirmed by the initial establishment of an ILO Network. As the overall objectives and policy context have not changed, the same type of legal instrument remains appropriate for this proposal.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

The Commission carried out an external evaluation of the current ILO Regulation, completed in August 2017.

The evaluation process included consultation of a wide range of sources, including analysis of Presidency reports and documents associated to the work of the Member States Expert Group on ILO Networks, organisation of fact-finding missions in 14 countries where ILOs are deployed (Pakistan, Jordan, Egypt, Nigeria, Ethiopia, South Africa, Albania (Western Balkans region), Morocco, Senegal, Ghana, Turkey, Thailand, China, and Russia), conducting interviews with EU stakeholders, ILO managers in Member States and international organisations and carrying out a survey of ILOs and their managers. Additionally, in-depth interviews with the Commission, High Representative for Foreign Affairs and Security Policy and Union Agencies were conducted. Finally, an ILO managers' panel was constituted by the representatives of four Member States: France, Germany, the Netherlands and the United Kingdom. These sources were triangulated to provide robust analysis, conclusions and recommendations from the evaluation.

Collected evidence confirmed that immigration liaison officers and their networks remain highly relevant in the current global migration context and retain coherence with existing and planned Union policies in the field of migration. However, the evaluation has also revealed that immigration liaison officers are tightly bound to their home administration in terms of taking and prioritising their work as well as sharing information. It highlighted the lack of consideration given to this aspect in the existing Regulation, which concentrates on directing how immigration liaison officers should design, develop and manage networks locally in third countries, neglecting the need for Union level governance of the networks.

Moreover, the evidence in the evaluation has demonstrated that the current Regulation did not instigate the systematic establishment of formal networks, as networking takes place in some form or another in any location where 3 or more immigration liaison officers are deployed in any case. Finally, the evaluation concluded that the Regulation has had a lack of measurable impact on the level and scope of information sharing within a network of immigration liaison officers. The Regulation has neither succeeded in a systematic flow of strategic information and operational intelligence upwards from the ILO Networks to the EU institution and bodies nor horizontally across the networks and Member States.

The results of the evaluation provided evidence that supported the present proposal and have been reflected in the Commission evaluation of the ILO Regulation presented in the Commission Staff Working Document accompanying this proposal.

- **Stakeholder consultations**

In preparation of this proposal, the Commission was guided by the conclusions of the European Council and discussions in the Council of Ministers and in the European Parliament on migration management and on measures needed to address the migratory crisis.

Targeted consultations with relevant stakeholders were carried out during the external evaluation process. The design of the evaluation was based on a participatory approach allowing for the active involvement of key stakeholders, notably ILOs and ILOs' managers. 14 workshops were carried out in key third countries where liaison officers are deployed, involving consultations with all relevant staff, notably from EU Delegations, Member States' Embassies and consular sections, international organisations such as IOM and UNHCR as well as from national authorities of the hosting countries. Furthermore, at different stages of the process consultations took place with EU institutions and EU Agencies, as well with Member States seconding the highest number of ILOs.

The Member States Expert Group on ILO Networks was involved throughout the evaluation process and was consulted on the recommendations. Additional tailored consultations with Member States' ILOs and other relevant stakeholders took place in six regional events, between November 2017 and March 2018 in Islamabad, Moscow, Belgrade, Tunis, Amman and Dakar. Two targeted consultation sessions with EU Agencies took place in November 2017 and January 2018 with more detailed follow up videoconference conversations with EBCG Agency and Europol. A panel of ILOs' managers from Member States with the largest ILO networks was re-convened in January 2018¹⁴, to provide additional insight before developing this proposal.

The results of the stakeholder consultation have broadly concurred with the conclusion of the external evaluation. The consulted stakeholders have appreciated the potential of immigration liaison officers to support the implementation of the Union priorities in the field of migration. They voiced need for better cooperation and coordination mechanisms to be established. Member States, in particular, stressed value of cooperation with non-EU states deploying liaison officers and requested flexibility to be retained as to the formation of the local and regional networks of immigration liaison officers. The Union Agencies solicited a closer cooperation with the networks of immigration liaison officers and more effective sharing of information with the Agencies and use of analytical product produced by the Agencies. Furthermore, there was a unanimous agreement across all consulted stakeholders on the ineffectiveness of the current provisions linked to information sharing and reporting mechanisms.

- **Impact assessment**

Through the evaluation and accompanying Commission research it was apparent that the revised Regulation would have only limited impact related to administrative burdens while other broad economic, social or environmental impact seemed either irrelevant or more indirect and longer term. The proposal will directly affect a small constituency of

¹⁴ This panel was attended by France, Germany, Spain, The Netherlands and the United Kingdom. Belgium, who could not attend the panel, was subsequently consulted.

approximately 500 officials deployed by Member States in third countries, plus a small representative group of managers, with third country administrations hosting ILOs being affected only indirectly. Indeed the provisions of this proposal have no impact on either the core tasks of these officials, nor the costs incurred by Member states and other bodies in deploying them. The evaluation and Commission analysis was carried out in close consultation and liaison with the relevant Member States administrations directly affected by the proposal with potential impacts and relevant questions being discussed and tested with them throughout the process.

On the basis of that ongoing consultation and alongside the evaluation findings and our own analysis it was concluded that no significant impacts of the proposal are to be expected. Moreover, based on the evaluation findings a detailed comparison of alternative policy options is not considered relevant as no real alternatives were identified that address the problems highlighted, and as a result this proposal did not necessitate an impact assessment.

- **Fundamental rights**

This proposal respects the fundamental rights and observes the principles recognised by Articles 2 and 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union. In particular, this proposal fully respects human dignity, the right to life, the prohibition of torture and of inhuman or degrading treatment or punishment, the right to liberty and security, the right to the protection of personal data, the right to asylum and protection in the event of removal and expulsion, the principles of *non-refoulement* and non-discrimination, the right to effective remedy, and the rights of the child.

4. BUDGETARY IMPLICATIONS

European network of immigration liaison officers will be financed through the dedicated EU funding instrument. Under the current Multiannual Financial Framework (2014-2020) the resources has been assigned for this purpose in the Internal Security Fund-Borders and Visa. It is envisaged that the expenses linked to the implementation of this proposal, notably to support deployment of the immigration liaison officers by the Commission as well as administrative and operational costs related to activities of networks of immigration liaison officers as tasked through the new Steering Board will continue to be eligible under the same budget line in the next MFF. If the proposal is adopted before the next financial framework, the necessary resources (estimated at EUR 860 000) will be financed from the current ISF-Borders and Visa budget line and the amounts will be deducted from the overall 17,3MEUR earmarked for the implementation of this proposal. The costs linked to the implementation of this proposal are allocated as follows 1,6MEUR for the functioning of the Steering Board, 12,2MEUR for the implementation of the activities of a European network of immigration liaison officers and 3,5MEUR estimated for the deployment of the immigration liaison officers by the Commission. The resources required for this proposal are compatible both with the current MFF (2014-2020) and with the Commission proposal for the 2021-2027 Multiannual Financial Framework of 2 May 2018.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The Commission will report on the implementation of the proposed regulation to the European Parliament and the Council. The findings are to be made public.

- **Consequences of the various protocols annexed to the Treaties and of the association agreements concluded with third countries**

The proposal builds on the Schengen acquis. The consequences for the various protocols therefore have to be considered with regard to Denmark, Ireland and the United Kingdom; Iceland and Norway; and Switzerland and Liechtenstein. Likewise, the consequences for the various Acts of Accessions must be considered. The detailed situation of each of the States concerned is described in recitals of this proposal.

- **Detailed explanation of the specific provisions of the proposal**

This proposal lays down the general principles for the creation a European network of immigration liaison officers deployed by Member States as well as the Commission and Union Agencies to third countries with the objective of contributing to managing migration effectively and ensuring a high level of internal security within the European Union.

For these purposes, the proposal sets out the following elements in view of reinforcing the governance of a European network of immigration liaison officers:

- Adjusts the title of the Regulation and the key terminology to better reflect the objectives of the proposal, notably the aim to enhance the European coordination of the immigration liaison officers.
- Further clarifies the definition of immigration liaison officer, making an explicit reference to law enforcement liaison officers working on immigration-related tasks.
- Introduces a Steering Board at the European level to strengthen among Member States, the Commission and the Union Agencies the network management and coordination of immigration liaison officers deployed to third countries.
- Ends the obligation of the bi-annual Presidency report, introduces reporting requirements to be agreed by the Steering Board, which will include follow-up actions, and also introduces the possibility for the Steering Board to commission ad-hoc targeted information requests.
- Reinforces information exchange between immigration liaison officers as well as members of the Steering Board via a secured web-based platform.
- Provides legal certainty as to processing of personal data by immigration liaison officers for the purpose of fulfilling tasks and activities defined by the proposal.

↓ 377/2004 (adapted)
⇒ new

2018/0153 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the creation of a European network of immigration liaison officers (recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty ~~of~~ on the Functioning of the European Union ~~establishing the European Community~~, and in particular Article ~~63(3)(b)~~ 74 and Article ~~66~~ 79(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

↓ new

(1) Council Regulation (EC) No 377/2004¹⁵ has been substantially amended¹⁶. Since further amendments are to be made, that Regulation should be recast in the interests of clarity.

↓ 377/2004 recital 1 (adapted)

~~The plan for the management of the external borders of the Member States of the European Union, agreed by the Council at its meeting of 13 June 2002 envisages the setting up of networks of immigration liaison officers posted in third countries.~~

↓ 377/2004 recital 2 (adapted)

~~In the conclusions of its meeting of 21 and 22 June 2002 the Seville European Council called for the creation of a network of immigration liaison officers of the Member States before the end of 2002.~~

↓ 377/2004 recital 3 (adapted)

~~At its meeting of 28 and 29 November 2002 the Council adopted conclusions on the improvement of the Immigration Liaison Officers Network, taking note of the report of the~~

¹⁵ Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 064, 2.3.2004, p. 1).

¹⁶ See Annex I.

~~Presidency, showing that a network of liaison officers is in place in most of the countries surveyed in the report, but noting also that there was a need to further strengthen this network.~~

↓ 377/2004 recital 4 (adapted)

~~The Thessaloniki European Council of 19 and 20 June 2003 emphasised the need for acceleration of work on adopting the appropriate legal instrument formally establishing the Immigration Liaison Officers (ILO's) network in third countries, at the earliest possible date and before the end of 2003. The European Council also referred to the importance of the information to be provided by the ILO's network in developing an evaluation mechanism to monitor relations with third countries which do not cooperate with the European Union in combating illegal immigration.~~

↓ 377/2004 recital 5 (adapted)

~~Following the Thessaloniki European Council, it is necessary to formalise the existence and functioning of such a network — drawing on experiences gained in the operation of running projects, including the Belgian-led Western Balkans ILO network — through a legally binding act, setting out the obligation to establish forms of cooperation among immigration liaison officers of the Member States, the objectives of such cooperation, the functions and appropriate qualifications of such liaison officers, as well as their responsibilities vis-à-vis the host country and the sending Member State.~~

↓ 377/2004 recital 6 (adapted)

~~It is also desirable to formalise the way in which the relevant institutions of the Community are informed of the activities of the immigration officers liaison network so as to allow them to take or propose such measures as may be necessary to improve further the overall management of the controls on persons at the external borders of the Member States~~

↓ 377/2004 recital 7 (adapted)

~~Taking into account Council Decision 2003/170/JHA of 27 February 2003 on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States¹⁷:~~

↓ new

- (2) The sharp increase of mixed migratory flows in 2015 and 2016 has put under pressure migration, asylum and border management systems and called for a coordinated and effective European response.
- (3) The objective of Union policy in the field of migration is to replace irregular and uncontrolled flows with safe and well-managed pathways through a comprehensive approach addressing all aspects of immigration.
- (4) Respecting human rights standards remains a fundamental principle of the Union in addressing the migration crisis. The Union is committed to protect the human rights and fundamental freedoms of all migrants, regardless of their migratory status, in full compliance with international law.

¹⁷

[OJL 67, 12.3.2003, p. 27](#)

- (5) To ensure the effective implementation of the Union policies on immigration in all their aspects, consistent dialogue and cooperation should be pursued with key third countries of origin and transit of migrants and asylum seekers. Such cooperation should provide for better management of immigration, including departures and returns, contribute to the stabilisation of migrants' flows, support capacity to gather and share information, and prevent and counter migrant smuggling and trafficking in human beings, as well as asylum seekers' access to protection.
- (6) In light of the increasing demand for intelligence and information to support evidence-based policy making and operational responses, there is a need for immigration liaison officers to ensure that their insight and knowledge contribute fully to the establishment of a comprehensive situational picture on third countries.
- (7) The deployment of the current European Migration Liaison Officers to the key countries of origin and transit, as called upon by the conclusions of the special meeting of the Heads of States and Governments on 23 April 2015, was a first step towards enhancing the engagement with third countries on migration-related issues and stepping up coordination with immigration liaison officers deployed by Member States. Building on this experience, longer-term deployments of immigration liaison officers by the Commission to third countries are to be foreseen to support development, implementation and to maximise the impact of Union action on migration.
- (8) The objective of this Regulation is to ensure better coordination and optimise utilisation of liaison officers deployed to third countries by Member States, the Commission and Union Agencies in order to respond more effectively to the EU priorities of preventing and combatting illegal immigration and related cross-border criminality such as smuggling of migrants and trafficking in human beings, facilitating return, readmission and reintegration activities, contributing to integrated management of Union's external borders, as well as supporting management of legal immigration, including in the area of international protection, resettlement and pre-departure integration measures undertaken by Member States and Union.
- (9) Building on Council Regulation (EC) No 377/2004, this Regulation aims to ensure that immigration liaison officers better contribute to the functioning of a European network of immigration liaison officers primarily by establishing a mechanism through which Member States, the Commission and Union Agencies can more systematically coordinate tasks and roles of their liaison officers.
- (10) Taking into account that mandates and tasks of immigration liaison officers may overlap, due efforts should be made to better coordinate the work of officers operating within the same third country or region. Where immigration liaison officers are deployed directly to the Union's diplomatic missions in a third country by the Commission, they should initiate and lead immigration liaison officers' network in that third country.
- (11) The establishment of a robust governance mechanism that ensures better coordination of all liaison officers dealing with immigration issues as a part of their duties, is essential in order to minimise information gaps and duplication of work and maximise operational capabilities and effectiveness. A Steering Board should provide guidance in line with Union policy priorities – taking into account the Union external relations – and should be given the necessary powers, in particular to adopt biennial work programmes of activities of networks of immigration liaison officers, assign tailored ad-hoc tasks for immigration liaison officers addressing priorities and emerging needs

not already covered by the biennial work programme, allocate resources for agreed activities and be accountable for their execution.

- (12) A list of immigration liaison officers deployed to third countries should therefore be established and updated regularly by the Steering Board. The list should include information related to the location, composition and activities of different networks, and including the contact details and the summary of duties of the deployed immigration liaison officers.
- (13) Joint deployment of liaison officers should be promoted with the aim of enhancing operational cooperation and information sharing between Member States, as well as to respond to the needs at Union level, as defined by the Steering Board. Joint deployment, by at least two Member States, should be supported by the Union funds encouraging engagement and providing added value to all Member States, and in particular those with smaller or no liaison networks in third countries.
- (14) Special provisions should be made for a wider Union capacity building action for immigration liaison officers, through a development, in cooperation with relevant Union Agencies, of common core curricula and pre-deployment training courses, and for supporting the reinforcement of the operational capacity of networks of immigration liaison officers.
- (15) Networks of immigration liaison officers should avoid duplicating the work of Union Agencies and other Union instruments or structures and should bring an added value to what they already achieve in terms of collecting and exchanging information in the area of immigration, in particular by focusing on operational aspects. They should act as facilitators and providers of information from third countries to support Union Agencies in their functions and tasks, in particular where Union Agencies have not yet established cooperative relations with third countries. Closer cooperation between networks of immigration liaison officers and relevant Union Agencies should be established to that effect.
- (16) Member States authorities should ensure that strategic and operational analytical products of the Union Agencies in relation to illegal immigration, return, cross-border criminality or international protection and resettlement effectively reach immigration liaison officers in third countries and that the information provided by immigration liaison officers is shared with the relevant Union Agencies – in particular the European Border and Coast Guard Agency, Europol and the European Union Asylum Agency within the scope of their respective legal frameworks.
- (17) In order to ensure the most effective use of information collected by the networks of immigration liaison officers, such information should be available through a secure web-based information exchange platform.
- (18) Information collected by immigration liaison officers should support the implementation of the technical and operational European integrated border management referred to in Article 4 of the Regulation (EU) No 2016/1624 of the European Parliament and of the Council¹⁸ and contribute to the development and

¹⁸ Regulation (EU) No 2016/1624 of the European Parliament and of the Council on the European Border and Coast Guard and amending Regulation (EU) 2016/299 of the European Parliament and of the Council and repealing Regulation (EC) No 836/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.9.2016, p. 1-76).

maintenance of the national border surveillance systems in line with Regulation (EU) No 1052/2013 of the European Parliament and of the Council¹⁹.

- (19) It should be possible to use the available resources of the Regulation (EU) No 515/2014 of the European Parliament and of the Council²⁰ to support the activities of a European network of immigration liaison officers as well as to pursue with the deployment of joint immigration liaison officers by Member States.
- (20) Any processing and transferring of personal data by Member States within the framework of this Regulation should be conducted in accordance with Regulation (EU) No 2016/679 of the European Parliament and of the Council²¹ and with the national provisions transposing Directive 2016/680²². The Commission and Union Agencies should apply Regulation (EC) No 45/2001 of the European Parliament and of the Council²³ when processing personal data.
- (21) The processing of personal data within the framework of this Regulation should be for the purposes of rendering assistance to returning third-country nationals and facilitating the resettlement of persons in need of international protection and implementing Union measures in respect of the admission of legal immigrants. A legal framework that recognises the role of immigration liaison officers in this context is therefore necessary.
- (22) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, in accordance with Directive 2008/115/EC of the European Parliament and of the Council²⁴, is an essential component of the comprehensive efforts to tackle illegal immigration and represents an important reason of substantial public interest.
- (23) Immigration liaison officers need to process personal data to facilitate return operations. The third countries of return are not often subject to adequacy decisions adopted by the Commission under Article 45 of Regulation (EU) 2016/679, or under Article 36 of Directive (EU) 2016/680, and have often not concluded or do not intend to conclude a readmission agreement with the Union or otherwise provide for appropriate safeguards within the meaning of Article 46 of Regulation (EU) 2016/679 or within the meaning of the national provisions transposing Article 37 of Directive (EU) 2016/680. Despite the extensive efforts of the Union in cooperating with the

¹⁹ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur) (OJ L 295, 6.11.2013, p. 11-26).

²⁰ Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p.143).

²¹ Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p.1).

²² Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

²³ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 008, 12.1.2001, p.1).

²⁴ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

main countries of origin of illegally staying third-country nationals subject to an obligation to return, it is not always possible to ensure such third countries systematically fulfil the obligation established by international law to readmit their own nationals. Readmission agreements, concluded or being negotiated by the Union or the Member States and providing for appropriate safeguards for the transfer of data to third countries pursuant to Article 46 of Regulation (EU) 2016/679 or pursuant to the national provisions transposing Article 36 of Directive (EU) 2016/680, cover a limited number of such third countries. In the situation where such agreements do not exist, personal data should be transferred by immigration liaison officers for the purposes of implementing the return operations of the Union, in line with the conditions laid down in Article 49(1)(d) of Regulation (EU) 2016/679 or in the national provisions transposing Article 38 of Directive (EU) 2016/680 are met.

- (24) In the interest of the persons concerned, immigration liaison officers should be able to process personal data of persons in need of international protection subject to resettlement and of persons wishing to migrate legally in the Union in order to confirm their identity and nationality.
- (25) Since the objectives of this Regulation, which are to optimise utilisation of immigration liaison officers deployed by Member States, Commission and EU Agencies to third countries in order to more effectively implement Union priorities regarding preventing and combatting illegal immigration, facilitating return, readmission and reintegration, contributing to integrated management of Union's external borders, as well as supporting management of legal immigration or international protection schemes, cannot be sufficiently achieved by the Member States alone but are better achieved through coordination at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

↓ 377/2004 recital 8 (adapted)

- (26) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's' association of those States with the implementation, application and development of the Schengen *acquis*²⁵ which fall within the area referred to in Article 1, points A and E₂ of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement²⁶.

↓ 493/2011 recital 15

- (27) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European

²⁵ OJ L 176, 10.7.1999, p. 36.

²⁶ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*²⁷ which fall within the area referred to in Article 1, points A and E, of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC²⁸.

↓ 493/2011 recital 16 (adapted)

- (28) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol ~~signed~~ between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*²⁹ which fall within the area referred to in Article 1, points A and E, of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision ~~2008/261/EC~~ 2011/350/EU³⁰.

↓ 377/2004 recital 9 (adapted)

- (29) In accordance with Articles 1 and 2 of ~~the~~ Protocol ~~⊗~~ No 22 ~~⊗~~ on the position of Denmark, annexed to the Treaty on European Union and to the Treaty ~~⊗~~ on the Functioning of the European Union ~~⊗~~ ~~establishing the European Community~~, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis* ~~under the provisions of Title IV of Part Three of the Treaty establishing the European Community~~, Denmark shall, in accordance with Article ~~5~~ ~~⊗~~ 4 ~~⊗~~ of ~~the said~~ ~~⊗~~ that ~~⊗~~ Protocol, decide within a period of six months after the Council has ~~adopted~~ ~~⊗~~ decided on ~~⊗~~ this Regulation whether it will implement it in its national law.

↓ 377/2004 recital 10 (adapted)

- (30) The United Kingdom is taking part in this Regulation, in accordance with Article 5(1) of ~~the~~ Protocol ~~⊗~~ No 19 on ~~⊗~~ ~~integrating~~ the Schengen *acquis* ~~⊗~~ integrated ~~⊗~~ into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty ~~⊗~~ on the Functioning of the European Union ~~⊗~~ ~~establishing the European Community~~, and Article 8(2) of Council Decision 2000/365/EC ~~of 29 May~~

²⁷ OJ L 53, 27.2.2008, p. 52.

²⁸ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

²⁹ OJ L 160, 18.6.2011, p. 21.

³⁰ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

~~2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*³¹.~~

↓ 377/2004 recital 11 (adapted)

(31) Ireland is taking part in this Regulation, in accordance with Article 5(1) of ~~the~~ Protocol No 19 on ~~integrating~~ the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union ~~establishing the European Community~~, and Article 6(2) of Council Decision 2002/192/EC ~~of 28 February 2002 concerning the request of Ireland to take part in some of the provisions of the Schengen *acquis*³².~~

↓ 377/2004 recital 12 (adapted)

(32) The participation of the United Kingdom and Ireland in this Regulation in accordance with Article 8(2) of Council Decision 2000/365/EC ~~of 29 May 2000~~ and Article 6(2) of Council Decision 2002/192/EC ~~of 28 February 2002~~ relates to the responsibilities of the ~~Community~~ Union for taking measures developing the provisions of the Schengen *acquis* against the organisation of illegal immigration in which the United Kingdom and Ireland participate.

↓ 377/2004 recital 13 (adapted)

(33) This Regulation constitutes an act building ~~on~~ upon, or otherwise relating to, the Schengen *acquis* ~~or otherwise related to it~~ within , respectively, the meaning of Article 3(~~2~~) of the 2003 Act of Accession, Article 4(2) of the 2005 Act of Accession and Article 4(2) of the 2011 Act of Accession,

↓ 377/2004 (adapted)

HAVE ADOPTED THIS REGULATION:

Article 1

Scope

↓ new

1. This Regulation lays down rules to improve the coordination of immigration liaison officers deployed to third countries by Member States, the Commission and the Union Agencies through the creation of a European network of immigration liaison officers.

³¹ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

³² Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

↓ 377/2004 (adapted)
⇒ new

~~24.~~ This Regulation is without prejudice to the tasks of immigration liaison officers within the framework of their responsibilities under Union and national law, policies or procedures or under special agreements concluded with the host country or international organisations.

Article ~~24~~

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1. ~~In this Regulation~~ ‘immigration liaison officer’ means:

- ~~(a)~~ a representative of one of the Member States, ~~posted~~ deployed abroad by the immigration service , law enforcement or other competent authorities in order to establish and maintain contacts with the authorities of ~~the host~~ a third country with a view to contributing to the prevention and combating of illegal immigration, the return of illegally staying third-country nationals ~~of illegal immigrants~~ and the management of legal immigration ~~migration~~;

↓ new

- (b) the liaison officers deployed abroad by the Commission in order to establish and maintain contacts with the authorities of the third country on immigration-related issues;
- (c) the liaison officers deployed abroad by the Union Agencies as referred to in their respective legal basis and dealing with immigration-related issues;

↓ 377/2004

~~(b)~~ ~~2.~~ ~~For the purpose of this Regulation, as immigration liaison officers shall also be considered the liaison officers who are dealing with immigration issues as part of their duties.~~

↓ new

2. ‘deployed abroad’ means deployed, for a reasonable time period to be determined by the responsible authority, to one of the following:
- (a) the consular authorities of a Member States in a third country;
- (b) the competent authorities of a third country;
- (c) an international organisation;
- (d) a Union's diplomatic mission.

↓ 377/2004

~~3. The immigration liaison officers could be posted to the national consular authorities of Member States in third countries or to the relevant authorities of other Member States, but also to the competent authorities of the third countries, as well as to international organisations for a reasonable time period to be determined by the posting Member State.~~

↓ new

3. “personal data” means personal data as defined in point (1) of Article 4 of the Regulation (EU) 2016/679;

4. “return” means return as defined in point (3) of Article 3 of Directive 2008/115/EC;

↓ 377/2004 (adapted)

⇒ new

Article 32

⊗ Tasks of immigration liaison officers ⊗

1. ~~Each Member State shall ensure that its~~ Immigration liaison officers ⊗ shall ⊗ establish and maintain direct contacts with the competent authorities ~~in~~ ⊗ of ⊗ the ~~host country~~ ⇒ third country ⇐ and any appropriate organisations operating within ~~the host~~ ⇒ the third ⇐ country, with a view to ~~facilitating and expediting the collection and exchange of information~~ ⇒ implementing this Regulation ⇐ .
2. Immigration liaison officers shall collect information for use either at the operational level, or at a strategic level, or both. ⇒ Such information shall not contain personal data. ⇐ Such information shall in particular concern ⊗ the following ⊗ issues ~~such as:~~
 - (a) ~~the~~ ⊗ migratory ⊗ flows of illegal immigrants originating from or transiting through the ~~host~~ country;↵
 - (b) ~~the~~ routes followed ⊗ used ⊗ by ~~these~~ ⊗ these migratory ⊗ flows of illegal immigrants in order to reach the territories of the Member States;↵
 - (c) the existence, ⇒ activities and modi operandi ⇐ of criminal organisations involved in smuggling ⇒ and trafficking in human beings along the migratory routes ⇐
 - ~~– their modus operandi, including the means of transport used, the involvement of intermediaries, etc.,~~
 - ~~– the existence and activities of criminal organisations involved in smuggling of immigrants,~~
 - (d) incidents and events that may be or become the cause for new developments with respect to ⊗ migratory ⊗ flows of illegal immigrants;↵
 - (e) methods used for counterfeiting or falsifying identity documents and travel documents;↵

(f) ways and means to assist the authorities in ~~host~~ ⇒ third ⇐ countries in preventing illegal immigration flows originating from or transiting through their territories;

(g) ways and means to facilitate ~~the return, and repatriation~~ ☒ readmission ☒ ⇒ and reintegration ⇐ ~~of illegal immigrants to their countries of origin~~;

↓ new

(h) asylum seekers' access to protection in the third country;

(i) possible legal immigration strategies and channels between the Union and third countries, including resettlement and other protection tools as well as skills and labour market needs;

(j) pre-departure measures available to immigrants in countries of origin or host third countries that support successful integration upon legal arrival in Member States;

↓ 377/2004 (adapted)

⇒ new

⇒ (k) capacity, capability, political strategies, ⇐ legislation and legal practices ⇒ of third countries ⇐ relevant to the issues referred to ☒ in points (a) to (j) ☒ ~~above~~;

~~information transmitted via the early warning system.~~

↓ new

3. Immigration liaison officers shall coordinate among themselves and with relevant stakeholders the provision of their capacity building activities to authorities and other stakeholders in third countries.

↓ 377/2004 (adapted)

⇒ new

43. Immigration liaison officers ~~shall also be entitled to~~ ☒ may ☒ render assistance in:

(a) establishing the identity of ⇒ illegally staying ⇐ third-country nationals and ~~in~~ facilitating their return ☒ in accordance with the Directive 2008/115/EC ☒ ~~to their country of origin~~;

↓ new

(b) confirming identity and facilitating the resettlement of persons in need of international protection in the Union;

(c) confirming identity and facilitating implementation of Union measures in respect of the admission of legal immigrants.

↓ 377/2004 (adapted)
⇒ new

- ~~54.~~ ~~Member States shall ensure that their~~ Immigration liaison officers shall carry out their tasks within the framework of their responsibilities and in compliance with the provisions, including those on the protection of personal data, laid down in Union and ~~their~~ national laws and in any agreements or arrangements concluded with ~~host~~ ⇒ third ⇐ countries or international organisations.

Article ~~43~~

Notification of the deployment of immigration liaison officers

1. Member States ⇒ , the Commission and the Union Agencies ⇐ shall ~~systematically and without delay~~ inform ~~one another, the Council and the Commission~~ ⇒ the Steering Board ⇐ of their ~~secondments~~ ⇒ plans for deployment ⇐ of immigration liaison officers, including a description of their duties ⇒ and the duration of their deployment ⇐ .
- ~~2. Each Member State shall also inform the others of its intentions as regards the secondment of immigration liaison officers to third countries, so as to allow the other Member States to express an interest in concluding a cooperative agreement with the Member State concerned on such secondment, as referred to in Article 5.~~

↓ 493/2011 Art. 1.1(b)
⇒ new

- ~~23.~~ The information referred to in paragraphs ~~1 and 2~~ shall be made available on the secure web-based ⇒ information exchange platform provided for in Article 9 ⇐ ~~Information and Coordination Network for Member States' Migration Management Services established by Council Decision 2005/267/EC³³ (ICONet) under the section dedicated to immigration liaison officers networks. The Commission shall also provide that information to the Council.~~

↓ 377/2004 (adapted)

Article 54

Creation of local or regional networks of immigration liaison officers

1. ~~Member States shall ensure that their~~ Immigration liaison officers ~~posted~~ deployed to the same third countries or regions shall constitute local or regional cooperation networks ~~among each other~~. Within the framework of such networks, immigration liaison officers shall, in particular:
- (a) meet regularly and whenever necessary;³³

³³ OJL 83, 1.4.2005, p. 48.

↓ 493/2011 Art. 1.2(a)
⇒ new

- (b) exchange information and practical experience, in particular at meetings and via ⇒ the secure web-based information exchange platform provided for in Article 9 ⇐ ~~ICONet~~;
- (c) exchange information, where appropriate, on experience regarding asylum seekers' access to protection;
-

↓ 377/2004 (adapted)
⇒ new

- (d) coordinate positions to be adopted in contacts with commercial carriers, when appropriate;
- (e) attend joint specialised training courses, when appropriate;
- (f) organise information sessions and training courses for members of the diplomatic and consular staff of the missions of the Member States in the ~~host~~ ⇒ third ⇐ country, when appropriate;
- (g) adopt common approaches as to methods of collecting and reporting strategically relevant information, including risk analyses, ~~to the competent authorities of the sending Member States~~;
- ~~contribute to the biannual reports of their common activities, which are drafted in accordance with Article 6(1);~~
- (h) set up regular contacts with similar networks in the ~~host~~ ⇒ third ⇐ country and in neighbouring third countries, as appropriate.
-

↓ new

2. Immigration liaison officers deployed by the Commission shall coordinate the networks provided for in paragraph 1. In locations where the Commission does not deploy immigration liaison officers, the coordination of the network shall be carried out by an immigration liaison officer, as agreed by members of the network.
3. The Steering Board shall be notified of the appointment of the network coordinators by the coordinator.
-

↓ 493/2011 Art. 1.2(b)

~~2. Representatives of the Commission and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) established by Council Regulation (EC) No 2007/2004²⁴ may participate in the meetings organised within the framework of the immigration liaison officers network, although, if operational considerations so require, meetings may be held in the absence of those representatives. Other bodies and authorities may also be invited, as appropriate.~~

³⁴ OJL 349, 25.11.2004, p. 1

↓ 493/2011 Art. 1.2(c)

~~3. The Member State holding the Presidency of the Council of the European Union shall take the initiative to hold such meetings. If the Member State holding the Presidency is not represented in the country or region concerned, it is up to the Member State serving as acting Presidency to take the initiative to hold the meeting. Such meetings may also be held at the initiative of other Member States.~~

↓ 377/2004 (adapted)

Article ~~65~~

⊗ Joint deployment of immigration liaison officers ⊗

1. Member States may bilaterally or multilaterally agree that immigration liaison officers who are ~~posted~~ ⊗ deployed ⊗ to a third country or international organisation by a Member State shall also look after the interests of one or more other Member States.
2. Member States may also agree that their immigration liaison officers shall share certain tasks among each other.

↓ new

3. Where two or more Member States jointly deploy an immigration liaison officer, those Member States may receive Union financial support pursuant to the Regulation (EU) No 515/2014.

Article 7

Steering Board

1. A Steering Board for a European network of immigration liaison officers ("the Steering Board") is established.
2. The Steering Board shall be composed of one representative of each Member State, two representatives of the Commission, one representative of the European Border and Coast Guard Agency, one representative of Europol and one representative of European Union Asylum Agency. The Steering Board members shall be appointed on the basis of their relevant experience and expertise in managing liaison officers networks.
3. Representatives of third countries associated with the implementation, application and development of the Schengen acquis shall participate in the Steering Board as observers.
4. Experts, representatives of national authorities, international organisations and relevant Union institutions, bodies, offices and agencies who are not members of the Steering Board may be invited to attend meetings of the Steering Board as observers. Joint meetings with other networks or organisations may also be organised.
5. The Commission shall act as the Chair of the Steering Board. The Chair shall:

- (a) ensure continuity and organise the work of the Steering Board, including supporting the preparation of the biennial work programme and biennial report on the activities;
- (b) ensure that the collective activities agreed by the Steering Board, are consistent and coordinated with relevant Union instruments and structures and reflect the priorities of the Union in the area of migration;
- (c) convene meetings of the Steering Board.

To achieve the objectives of the Steering Board, the Chair shall be assisted by a Secretariat.

6. The Steering Board shall meet at least twice a year.

Article 8

Tasks of the Steering Board

1. The Steering Board shall establish its own rules of procedures on the basis of a proposal by the Chair within three months of its first meeting. The rules of procedures shall set out voting arrangements.
2. Considering the priorities of the Union in the area of immigration and within the scope of the tasks of immigration liaison officers as defined in this Regulation, the Steering Board shall carry out the following activities:
 - (a) establish priorities and activities by adopting a biennial work programme and indicating resources needed to support that work;
 - (b) review implementation of activities established in the biennial work programme, appointment of network coordinators and progress made by networks of immigration liaison officers in their cooperation with competent authorities in third countries;
 - (c) adopt the biennial activity report;
 - (d) update the list of deployment of immigration liaison officers ahead of each Steering Board meeting;
 - (e) identify deployment gaps and recommend deployment of immigration liaison officers;
3. Considering the operational needs of the Union in the area of immigration and within the scope of the tasks of immigration liaison officers as defined in this Regulation, the Steering Board shall carry out the following activities:
 - (a) agree on ad-hoc tasking of networks of immigration liaison officers;
 - (b) monitor the availability of information between immigration liaison officers and Union Agencies, and make recommendations for necessary actions where required;
 - (c) support the development of capability of immigration liaison officers, including through developing common core curricula, pre-deployment training and the organisation of joint seminars on subjects as referred to in Article 3(2);
 - (d) ensure that information is exchanged through the web-based information exchange platform provided for in Article 9.

4. For the execution of the activities referred to paragraphs 2 and 3, Member States may receive the Union financial support in accordance with Regulation (EU) No 515/2014.

Article 9

Information exchange platform

1. Immigration liaison officers and members of the Steering Board shall ensure that all relevant information and statistics are uploaded and exchanged via the secure web-based information exchange platform set up and maintained by the Commission. That information shall include at least the following elements:
 - (a) relevant documents, reports and analytical products in the area of immigration, in particular factual information on countries or regions in which immigration liaison officers are deployed;
 - (b) biennial work programmes, biennial activity reports and outcomes of activities and ad-hoc tasks of networks of immigration liaison officers as referred to in Article 8 (2) and (3);
 - (c) an updated list of Steering Board members;
 - (d) an updated list of immigration liaison officers deployed to third countries, including their names, locations, telephone numbers and email addresses;
 - (e) other relevant documents related to the activities and decisions of the Steering Board.
2. With the exception of data referred to in points (c) and (d) of paragraph 1, the information exchanged through the platform shall not contain personal data or any links through which such personal data is directly or indirectly available. Access to data referred to in points (c) and (d) of paragraph 1 shall be restricted to immigration liaison officers and members of the Steering Board for the purpose of implementation of this Regulation.

Article 10

Processing personal data

1. Immigration liaison officers shall carry out their tasks in compliance with legal provisions on the protection of personal data, as set out in Union and national laws and in international agreements concluded with third countries or international organisations.
2. Immigration liaison officers may process personal data for the purpose of the tasks referred to in Article 3(4). That personal data shall be erased after completion of the task.
3. Personal data processed pursuant to paragraph 2 may include:
 - (a) biometric or biographic data where necessary to confirm the identity and nationality of third-country nationals for the purposes of return, including all types of documents which can be considered as proof or prima facie evidence of nationality;
 - (b) passenger lists for return flights to third countries;

(c) biometric or biographic data to confirm identity and nationality of third-country nationals for the purposes of legal migration admission and resettlement of third-country nationals in need of international protection.

4. Transfers of personal data by Immigration liaison officers under this Article to third countries and international organisations shall be done in accordance with Chapter V of Regulation (EU) No 2016/679 or with national provisions transposing Chapter V of Directive (EU) 2016/680.

↓ 493/2011 Art. 1.3

~~Article 6~~

~~1. The Member State holding the Presidency of the Council of the European Union or, where that Member State is not represented in the country or region concerned, the Member State serving as acting Presidency shall draw up, by the end of each semester, a report to the European Parliament, the Council and the Commission on the activities of immigration liaison officers networks in specific countries and/or regions of particular interest to the Union, as well as on the situation in those countries and/or regions, in matters relating to illegal immigration, taking into consideration all the relevant aspects, including human rights. The selection, following a consultation with the Member States and the Commission, of the specific countries and/or regions of particular interest to the Union shall be based on objective migratory indicators, such as statistics on illegal immigration, and risk analyses and other relevant information or reports prepared by Frontex and the European Asylum Support Office, and shall take into consideration the overall Union external relations policy.~~

~~2. The Member State's reports referred to in paragraph 1 shall be drawn up in accordance with the model established by Commission Decision 2005/687/EC of 29 September 2005 on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in matters relating to illegal immigration³⁵ and shall indicate the relevant selection criteria.~~

~~3. The Commission shall, on the basis of the Member State's reports referred to in paragraph 1, taking into consideration human rights aspects where relevant, provide a factual summary and, where appropriate, recommendations to the European Parliament and to the Council, on an annual basis, on the development of immigration liaison officers networks.~~

↓ 377/2004 (adapted)

~~Article 117~~

⊗ Consular cooperation ⊗

This Regulation is without prejudice to the provisions on consular cooperation at a local level contained in the ⊗ Regulation (EC) N° 810/2009 establishing a Community Code on Visas ⊗.

³⁵ OJ L 264, 8.10.2005, p. 8.

↓ new

Article 12

Report

1. Five years after the date of adoption of this Regulation, the Commission shall report to the European Parliament and the European Council on the application of the Regulation.
 2. Member States shall provide the Commission with the necessary information for the preparation of the report on the application of the Regulation.
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↓

Article 13

Repeal

Regulation (EC) No 377/2004 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex I.

↓ 377/2004 (adapted)

Article ~~14~~⁸

⊗ Entry into force ⊗

This Regulation shall enter into force on ~~5 January 2004~~ ⊗ the twentieth day following that of its publication in the *Official Journal of the European Union* ⊗ .

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the ~~Treaty establishing the European Community~~ ⊗ Treaties. ⊗

Done at Brussels,

For the European Parliament
The President

For the Council
The President

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned in the ABM/ABB structure
- 1.3. Nature of the proposal/initiative
- 1.4. Objective(s)
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- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected
- 3.2. Estimated impact on expenditure
 - 3.2.1. *Summary of estimated impact on expenditure*
 - 3.2.2. *Estimated impact on operational appropriations*
 - 3.2.3. *Estimated impact on appropriations of an administrative nature*
 - 3.2.4. *Compatibility with the current multiannual financial framework*
 - 3.2.5. *Third-party contributions*
- 3.3. Estimated impact on revenue

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Regulation of the European Parliament and of the Council on the creation of a European network of immigration liaison officers (recast)

1.2. Policy area(s) concerned in the ABM/ABB structure³⁶

Concerned policy area is migration and more specifically the policy for reducing incentives for illegal immigration and fighting against migrant smuggling and trafficking in human beings.

1.3. Nature of the proposal/initiative

- The proposal/initiative relates to **a new action**
- The proposal/initiative relates to **a new action following a pilot project/preparatory action**³⁷
- The proposal/initiative relates to **the extension of an existing action**
- The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objective(s)

1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

Towards a new policy on migration

1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

Specific objective No 1.1

Reduce incentives for illegal immigration

ABM/ABB activity(ies) concerned

Proposal for a revision of the Immigration Liaison Officer Regulation

³⁶ ABM: activity-based management; ABB: activity-based budgeting.

³⁷ As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

1.4.3. *Expected result(s) and impact*

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

It is expected, that this proposal, when adopted and duly implemented will result in optimising utilisation of immigration liaison officers, including those of the Commission and Union Agencies deployed to third countries in view of effectively responding to the EU priorities of preventing and combatting illegal immigration and related cross-border criminality, notably smuggling of migrants and trafficking in human beings, facilitating return, readmission and reintegration contributing to integrated management of Union's external borders, as well as supporting management of legal immigration, including in the area of international protection, resettlement and pre-departure integration measures undertaken by Member States and Union;

The specific outputs expected are as follows:

Output 1 - enhancing operational cooperation among immigration liaison officers deployed to the same third country locations;

Output 2 - establishing a Steering Board to ensure a systematic and structured coordination of tasks and roles of liaison officers between Member States, the Commission and Union Agencies;

Output 3 – deployment of immigration liaison officers by the Commission.

It is estimated that the overall costs of implementing this proposal would amount to 17,3MEUR over the 9-years period, starting in 2019, with an estimated 1,6MEUR dedicated to support the functioning of the Steering Board, 12MEUR marked for the implementation of the activities of a European Network of immigration liaison officers and 3,5MEUR estimated for the functioning of the immigration liaison officers deployed by the Commission. However, the actual date of roll out of the proposal will depend on the completion of adoption by the co-legislators.

1.4.4. *Indicators of results and impact*

Specify the indicators for monitoring implementation of the proposal/initiative.

The following indicators of progress would need to be used to assess progress achieved networks of immigration liaison officers:

Number of joint analytical products delivered by networks of ILOs

Number of joint deployment of ILOs co-financed from the EU budget

Improved sharing of information between ILOs' networks and EU Agencies

1.5. **Grounds for the proposal/initiative**

1.5.1. *Requirement(s) to be met in the short or long term*

The Steering Board for networks of liaison officers should be constituted without delay. Within three months of the first convocation of the Board, the Board should establish its rules of procedures.

As of the moment of constitution, the Steering Board is to meet at least twice a year to govern a European network of immigration liaison officers, in particular by establishing priorities and activities in biennial work programme and monitoring of its implementation.

1.5.2. *Added value of EU involvement*

The aim of the revision of the Council Regulation (EC) No 377/2004 is to ensure better cooperation and optimise utilisation of immigration liaisons officers, including those of the Commission and Union Agencies deployed to third countries to more effectively respond to EU priorities in terms of preventing and combating illegal immigration, as well as facilitating the return of illegally staying third-country national and supporting management of legal immigration. It also intends to strengthen the rules governing the sharing of strategic information with the Union Agencies, ensuring that this becomes a two-way process and MS ILOs access the relevant Agencies' analytical products in a more systematic manner and are further assisted in fulfilling their tasks in locations. The proposal seeks closer coordination both at network management and at regional operational levels of ILOs deployed by Member States, the Commission and Union Agencies. It will also produce greater benefits for the Union compared to action taken solely at the level of the Member States, by making the Union better equipped to target its interventions and responses to the common risks and concerns at the external borders of the Union.

1.5.3. *Lessons learned from similar experiences in the past*

There was no provision for administrative and operational support to the networks of immigration liaison officers under the current legal provision nor there was the Steering Board functionality.

1.5.4. *Compatibility and possible synergy with other appropriate instruments*

The proposal is compatible with Union migration policy priorities and funded interventions aiming to enhance migration management, to reduce illegal migration flows, migrant smuggling and trafficking in human beings and to promote integrated border management (IBM), including in the context of the European IBM based on four-tier access control model and the European Border Surveillance System (Eurosur).

Likewise, there are clearly potential complementarities and synergies with new European liaison officers' functions that have been established since the adoption of the Regulation, such as

- European Migration Liaison Officers (EMLOs), posted in EU Delegations in view of stepping up coordination to maximize the impact of EU action on migration in third countries and to enhance the engagement of key countries of origin and transit on the entire spectrum of migration issues;
- European Return Liaison Officers (EURLOs), posted in MS diplomatic missions in view of representing Union return interests, by verifying identity of illegally staying third country nationals, capacity building in the field of return, supporting the organisation of joint return operations under coordination of EBCGA and facilitate the implementation of reintegration and post-arrival assistance;
- European Border and Coast Guard Agency Liaison Officers posted in EU Delegations in view of cooperating with third countries at Union external borders, by developing and maintaining operational bilateral cooperation with host country, drafting and elaborating field assessments and supporting implementation of EBCGA projects;

1.6. Duration and financial impact

Proposal/initiative of **limited duration**

- Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from YYYY to YYYY

Proposal/initiative of **unlimited duration**

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

1.7. Management mode(s) planned³⁸

Direct management by the Commission

- by its departments, including by its staff in the Union delegations;
- by the executive agencies

Shared management with the Member States

Indirect management by entrusting budget implementation tasks to:

- third countries or the bodies they have designated;
- international organisations and their agencies (to be specified);
- the EIB and the European Investment Fund;
- bodies referred to in Articles 208 and 209 of the Financial Regulation;
- public law bodies;
- bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
- bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
- persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

³⁸ Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

The Chair is responsible for the effective functioning of the Steering Board for a European network of immigration liaison officer. The Steering Board is responsible for establishing priorities and activities in the form of biennial work programmes, monitoring and evaluation of the performance of a European network immigration liaison officers and preparation of annual reports on the implementation of the work programme.

2.2. Management and control system

2.2.1. Risk(s) identified

The risks are twofold, firstly: related to the deployment of the immigration liaison officers by the Commission and secondly, related to the implementation of the supportive measures for a European network of immigration liaison officers foreseen by the Regulation, notably programme support for networks of ILOs and contracting an external service provider for Secretariat of the Steering Board. These risks include:

1. no adequate candidates will apply to the Commission for the SNEs posts to work as immigration liaison officer;
2. Member States may fail to present a high quality application and/or fails to allocate sufficient resources to manage and implement the programme support for networks of ILOs;
3. no adequate proposal will be submitted to the open call for proposal for the service provider for Secretariat of the Steering Board.

These risks are mitigated by engaging with Member States from the beginning of the process to confirm their interest and by awarding projects on the basis of strong quality criteria, checking references of providers and maintaining a strong relationship with them.

2.2.2. Information concerning the internal control system set up

Administrative monitoring of contracts and payments will be the responsibility of the relevant Commission service. Each of the operations financed under this decision will be supervised at all stages in the project cycle by the relevant Commission services. Supervision will take account of contractual obligations as well as of the principles of cost/benefit analysis and sound financial management

Moreover, any agreement or contract concluded pursuant to this Regulation shall expressly provide for monitoring of spending authorised under the projects/programmes and the proper implementation of activities as well as financial control by the Commission, including the European Anti-Fraud Office (OLAF), and audits by the Court of Auditors, if necessary on the spot.

DG HOME's fraud prevention and detection strategy will apply.

2.2.3. *Estimate of the costs and benefits of the controls and assessment of the expected level of risk of error*

There is no estimate provided, as the control and mitigation of risks is an inherent task of the project governance structure

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures.

The protection of the Community's financial interests and the fight against fraud and irregularities form an integral part of this Regulation.

Particular attention will be paid to the nature of expenditure (eligibility of expenditure), to respect for budgets (actual expenditure) and to verify supporting information and relevant documentation (evidence of expenditure).

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading.....]	Diff./Non-diff. ³⁹	from EFTA countries ⁴⁰	from candidate countries ⁴¹	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number Heading Security and Citizenship	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	Former ISF-Borders line (18.020101) under the 2014-2020 MFF	Diff.	NO	NO	YES	NO

³⁹ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

⁴⁰ EFTA: European Free Trade Association.

⁴¹ Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

3.2. Estimated impact on expenditure

[This section should be filled in using the [spreadsheet on budget data of an administrative nature](#) (second document in annex to this financial statement) and uploaded to CISNET for interservice consultation purposes.]

3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

Heading of multiannual financial framework	Number	3-Heading Security and Citizenship
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DG: HOME			Year 2019 ⁴²	Year 2020	Year 2021	Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
• Operational appropriations *												
ISF-Borders line (18.020101) in 2014-2020 MFF	Commitments	(1)	0,360	0,500	4,500		5,000			3,500		13,860
	Payments	(2)	0,180	0,430	2,500	2,250	2,500	2,500	-	1,750	1,750	13,860
Number of budget line	Commitments	(1a)										
	Payments	(2a)										
Appropriations of an administrative nature financed from the envelope of specific programmes ⁴³ **												
Support expenditure line for ISF-Borders line (18.010401) in 2014-2020 MFF		(3)			0,500	0,500	0,500	0,500	0,500	0,500	0,500	3,500
TOTAL appropriations for DG HOME	Commitments	=1 +1 a +3	0,360	0,500	4,500	0,500	5,000	0,500	0,500	0,500	4,000	17,360

⁴² Year N is the year in which implementation of the proposal/initiative starts.

⁴³ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

	Payments	=2 +2 a +3	0,180	0,430	2,750	2,750	3,000	3,000	0,550	2,300	2,400	17,360
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• TOTAL operational appropriations	Commitments	(4)										
	Payments	(5)										
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)										
TOTAL appropriations under HEADING 3 of the multiannual financial framework	Commitments	=4+ 6	0,360	0,500	4,500	0,500	5,000	0,500	0,500	0,500	4,000	17,360
	Payments	=5+ 6	0,180	0,430	2,750	2,750	3,000	3,000	0,550	2,300	2,400	17,360

* operational budget line will cover implementation of the activities of a European ILO network and the functioning of the Steering Board

** support budget line covers costs related to the deployment of ILOs by the Commission

If more than one heading is affected by the proposal / initiative:

• TOTAL operational appropriations	Commitments	(4)										
	Payments	(5)										
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)										
TOTAL appropriations under HEADINGS 1 to 4 of the multiannual financial framework (Reference amount)	Commitments	=4+ 6	0,360	0,500	4,500	0,500	5,000	0,500	0,500	0,500	4,000	17,360
	Payments	=5+ 6	0,180	0,430	2,750	2,750	3,000	3,000	0,550	2,300	2,400	17,360

Heading of multiannual financial framework	5	‘Administrative expenditure’
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EUR million (to three decimal places)

		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
DG: <.....>									
• Human resources									
• Other administrative expenditure									
TOTAL DG <.....>	Appropriations								

TOTAL appropriations under HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)								
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EUR million (to three decimal places)

		Year 2019 ⁴⁴	Year 2020	Year 2021	Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework	Commitments	0,360	0,500	4,500	0,500	5,000	0,500	0,500	0,500	4,000	17,360
	Payments	0,180	0,430	2,750	2,750	3,000	3,000	0,550	2,300	2,400	17,360

⁴⁴ Year N is the year in which implementation of the proposal/initiative starts.

3.2.2. Estimated impact on operational appropriations

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓	Type ⁴⁶	Average cost	Year 2019 ⁴⁵		Year 2020		Year 2021		Year 2022		Year 2023		Year 2024		Year 2025		Year 2026		Year 2027		TOTAL
			No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No
SPECIFIC OBJECTIVE No 1.1 ⁴⁷																					
- Output 1	Support to network	Grant	1	0,200	1	0,500	1	4,000			1	4,500					1	3,000			12.200
- Output 1	Service provider for SB	Procurement	1	0,160			1	0,500			1	0,500					1	0,500			1.660
- Output 1	ILOs deployed		1				1	0,500	1	0,500	1	0,500	1	0,500	1	0,500	1	0,500	1	0,500	3,500
Subtotal for specific objective No 1				0.360		0,500		5,000		0,500		5,500		0,500		0,500		4,000		0,500	17,360
SPECIFIC OBJECTIVE No 2 ...																					
- Output																					
Subtotal for specific objective No 2																					

⁴⁵ Year N is the year in which implementation of the proposal/initiative starts.

⁴⁶ Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

⁴⁷ As described in point 1.4.2. 'Specific objective(s)...'

TOTAL COST		0.360		0.500		6.640		1.640		6.640		1.640		1.640		5.140		1.640	25.340
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3.2.3. Estimated impact on appropriations of an administrative nature

3.2.3.1. Summary

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year N ⁴⁸	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)				TOTAL
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HEADING 5 of the multiannual financial framework									
Human resources									
Other administrative expenditure									
Subtotal HEADING 5 of the multiannual financial framework									

Outside HEADING 5⁴⁹ of the multiannual financial framework									
Human resources									
Other expenditure of an administrative nature									
Subtotal outside HEADING 5 of the multiannual financial framework									

TOTAL									
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

⁴⁸ Year N is the year in which implementation of the proposal/initiative starts.

⁴⁹ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

3.2.3.2. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
• Establishment plan posts (officials and temporary staff)							
XX 01 01 01 (Headquarters and Commission's Representation Offices)							
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
• External staff (in Full Time Equivalent unit: FTE)⁵⁰							
XX 01 02 01 (AC, END, INT from the 'global envelope')							
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)							
XX 01 04 yy ⁵¹	- at Headquarters						
	- in Delegations						
XX 01 05 02 (AC, END, INT - Indirect research)							
10 01 05 02 (AC, END, INT - Direct research)							
Other budget lines (specify)							
TOTAL							

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	
External staff	

⁵⁰ AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

⁵¹ Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

3.2.4. *Compatibility with the current multiannual financial framework*

- The proposal/initiative is compatible the current multiannual financial framework.
- The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

- The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties.
- The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to three decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

3.3. Estimated impact on revenue

- x The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
 - on own resources
 - on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative ⁵²							
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			
Article									

For miscellaneous 'assigned' revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

⁵² As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.



Brussels, 16.5.2018
COM(2018) 303 final

ANNEX 1

ANNEX

to the

**Regulation from the European Parliament and of the Council
on the creation of a European network of immigration liaison officers (recast)**

{SWD(2018) 197 final}



ANNEX I

Repealed Regulation with the amendment thereto

Council Regulation (EC) No 377/2004	(OJ L 064, 2.3.2004, p. 1)
Commission Regulation (EU) No 493/2011	(OJ L 141, 27.5.2011, p. 13)

ANNEX VII

CORRELATION TABLE

Regulation (EC) No 377/2004	This Regulation
–	Article 1(1)
–	Article 2, introductory wording
Article 1(1)	Article 2, point (1), introductory wording, and point (1)(a)
–	Article 2, points (1)(b) and (c)
Article 1(2)	Article 2, point (1)(d)
–	Article 2(2)
Article 1(3)	–
Article 1(4)	Article 1(2)
Article 2(1)	Article 3(1)
Article 2(2), introductory wording	Article 3(2), introductory wording
Article 2(2), first indent	Article 3(2)(a)
Article 2(2), second indent	Article 3(2)(b)
–	Annex I
–	Annex II