

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2009/0098(COD) Procedure completed
Immigration: liaison officers network Amending Regulation (EC) No 377/2004	<a href="#">2003/0817(CNS)</a>
Subject 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs		29/09/2009	
		PPE <a href="#">DÍAZ DE MERA GARCÍA CONSUEGRA Agustín</a>		
		Shadow rapporteur		
		S&D <a href="#">GUILLAUME Sylvie</a>		
		ALDE <a href="#">ILCHEV Stanimir</a>		
		Verts/ALE <a href="#">KELLER Ska</a>		
	Verts/ALE <a href="#">TAVARES Rui</a>			
	ECR <a href="#">KIRKHOPE Timothy</a>			
	NI <a href="#">BORGHEZIO Mario</a>			
Council of the European Union	Council configuration	Meeting	Date	
	<a href="#">Environment</a> <a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">3075</a> <a href="#">3043</a>	14/03/2011 08/11/2010	
European Commission	Commission DG <a href="#">Justice and Consumers</a>	Commissioner MALMSTRÖM Cecilia		

Key events			
08/07/2009	Legislative proposal published	COM(2009)0322	Summary
14/07/2009	Committee referral announced in Parliament, 1st reading		
08/11/2010	Debate in Council	<a href="#">3043</a>	Summary
25/11/2010	Vote in committee, 1st reading		Summary
29/11/2010	Committee report tabled for plenary, 1st reading	<a href="#">A7-0342/2010</a>	

13/12/2010	Debate in Parliament		
14/12/2010	Results of vote in Parliament		
14/12/2010	Decision by Parliament, 1st reading	<a href="#">T7-0469/2010</a>	Summary
14/03/2011	Act adopted by Council after Parliament's 1st reading		
05/04/2011	Final act signed		
05/04/2011	End of procedure in Parliament		
27/05/2011	Final act published in Official Journal		

### Technical information

Procedure reference	2009/0098(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 377/2004 <a href="#">2003/0817(CNS)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 074; Treaty on the Functioning of the EU TFEU 079-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/00398

### Documentation gateway

Legislative proposal		COM(2009)0322	08/07/2009	EC	Summary
Amendments tabled in committee		<a href="#">PE430.622</a>	12/11/2009	EP	
Committee draft report		<a href="#">PE430.311</a>	29/04/2010	EP	
Amendments tabled in committee		<a href="#">PE450.952</a>	20/10/2010	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0342/2010</a>	29/11/2010	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0469/2010</a>	14/12/2010	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2011)1477</a>	23/02/2011	EC	
Draft final act		<a href="#">00068/2010/LEX</a>	05/04/2011	CSL	

### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

### Final act

[Regulation 2011/493](#)  
[OJ L 141 27.05.2011, p. 0013](#) Summary

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## Immigration: liaison officers network

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**PURPOSE:** to amend Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network in order to ensure efficient use of this important cooperation tool for the management of migration and external borders.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**CONTENT:** in 2004, the Council adopted [Regulation \(EC\) No 377/2004](#), which lays down the obligation to establish forms of cooperation among immigration liaison officers of Member States. Recall that "immigration liaison officer" (or ILO) means any representative of one of the Member States, posted abroad by the immigration service 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.

In the light of practical experience gained over the years, it became clear that there was a need to make a number of modifications to the ILO network to make it more effective and improve its scope of action.

The planned changes are as follows:

- to enable the OLI network to participate in the ICONet network: by [Decision 2005/267/EC](#), the Council established a secure web-based Information and Coordination Network for Member States' Migration Management Services (known as "ICONet"). This network enables, in particular, the exchange of information on irregular migration, illegal entry and immigration and the return of illegal residents. It is therefore important to include the immigration liaison officers in this network for the exchange of information and practical experience;
- to establish a legal basis to provide for specific cooperation with Frontex: the Council adopted Regulation (EC) No 2007/2004 establishing Frontex. This Agency's tasks include facilitating operational cooperation between Member States and third countries and exchanging information and experience on border control issues. Although immigration liaison officers posted in relevant third countries could provide a substantial contribution to the fulfilment of the tasks of FRONTEX, this potential is not yet adequately exploited. This new form of cooperation has therefore been proposed and immigration liaison officers should be able to collect information concerning illegal immigration that may help the Agency;
- to reorganise certain meetings of the ILO network: several Member States have informally agreed to lead regional ILO networks in Africa and to hold meetings in this context. Given that the current wording of the Regulation only encourages Member States holding the Presidency of the Council of the European Union (or Member States serving as acting Presidency) to take the initiative to hold such meetings, the Commission is proposing a clarification to the effect that also Member States agreeing to lead regional networks are in a position to hold such meetings;
- to clarify the ILO network's obligation to be accountable: Regulation (EC) No 377/2004 stipulates that the Member State holding the Presidency of the Council, or the Member State serving as acting Presidency, shall draw up, by the end of each semester, a report on the activities of the network. Such a report shall be drawn up in accordance with a model and a format established by the Commission and will constitute an essential form of information for the preparation, at the end of each Presidency, of an evaluation report to be submitted to the Council. Given that the current procedure for presenting the reports is burdensome for the Commission, it has been proposed that the relevant provisions be adapted in order to rationalise the current system, while ensuring that the European Parliament is duly informed.

**Territorial provisions:** Norway, Iceland, Switzerland and Liechtenstein shall be associated with the implementation of the Regulation pursuant to the bilateral agreements concluded with the EU on the Schengen acquis. The United Kingdom and Ireland shall not participate in the adoption of the text, pursuant to the protocol annexed to the EU Treaty and subsequent decisions. For the same reasons, Denmark shall not participate in the adoption of the text but may decide within a period of 6 months if it will transpose or not this text into its national law.

**IMPACT ASSESSMENT:** an impact assessment was not carried out because the present proposal introduces only minor and mainly technical changes into existing legislation.

**BUDGETARY IMPLICATION:** the proposal has no implication for the Community budget.

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## Immigration: liaison officers network

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The Council heard a progress report on the negotiations concerning revised rules of the immigration liaison officers (ILO) network. The ILO network was established in 2004 as a cooperation tool for the management of migration flows and of the EU's external borders.

Amendments to regulation (EC) No 377/2004 are mainly intended to make the use of the network more efficient by providing a legal basis for cooperation between Frontex and the ILO networks, promote the use of an internal IT tool for regular exchange of information and practical experience, highlight the possibility of using the External Borders Fund for the creation and smooth operation of ILO networks, and rationalise the reporting system relating to the activities of the ILO network.

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## Immigration: liaison officers network

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report drawn up by Agustín DIAZ de MERA GARCIA CONSUEGRA (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network. It recommended that the European Parliament's position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Commission proposal.

Following negotiations with the Council, the main amendments may be summarised as follows:

**Meetings:** the committee states that Representatives of the Commission and the FRONTEX Agency should participate in meetings initiated by Member States between the immigration liaison officers posted in a particular third country or region. Other bodies and authorities, such as the

European Asylum Support Office and the Office of the United Nations High Commissioner for Refugees (UNHCR), could also be invited.

Asylum seekers: amongst the matters to be discussed in immigration officers networks, Members included exchanging information, when appropriate, on experience regarding asylum seekers' access to protection.

Human rights: the Presidency's report on the activities of immigration liaison officers' networks in matters relating to illegal immigration must take into consideration all the relevant aspects, including human rights. Lastly, the Commission shall also take into consideration human rights aspects where relevant, in providing a factual summary and, where appropriate, recommendations to the European Parliament and to the Council, on an annual basis, on the development of the immigration liaison officers networks.

## Immigration: liaison officers network

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The European Parliament adopted by 578 votes to 34, with 60 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network (ILO).

It adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the Commission proposal as follows:

Meetings: it is provided that Representatives of the Commission and the FRONTEX Agency may participate in meetings initiated by Member States between the immigration liaison officers posted in a particular third country or region. Other bodies and authorities, such as the European Asylum Support Office and the Office of the United Nations High Commissioner for Refugees (UNHCR), could also be invited.

Asylum seekers: amongst the matters to be discussed in immigration officers networks, Members included exchanging information, when appropriate, on experience regarding asylum seekers' access to protection.

Report on the activities of the ILOs' networks: the Presidency's report on the activities of immigration liaison officers' networks in matters relating to illegal immigration must take into consideration all the relevant aspects, including human rights. The Member State holding the Presidency of the Council of the European Union or, if this Member State is not represented in the country or region, 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 regions and/or countries of particular interest to the Union, as well as on the situation in those regions and/or countries, in matters relating to illegal immigration, taking into consideration all the relevant aspects, including human rights. The selection of the specific regions and/or countries 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.

Lastly, the Commission shall also take into consideration human rights aspects where relevant, in providing a factual summary and, where appropriate, recommendations to the European Parliament and to the Council, on an annual basis, on the development of the immigration liaison officers networks.

## Immigration: liaison officers network

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**PURPOSE:** to amend Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network in order to ensure efficient use of this important cooperation tool for the management of migration and external borders.

**LEGISLATIVE ACT:** Regulation (EU) No 493/2011 of the European Parliament and of the Council amending Council Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network.

**BACKGROUND:** [in 2004, the Council adopted Regulation \(EC\) No 377/2004](#), which laid down the obligation to establish forms of cooperation among immigration liaison officers of Member States. To recap, 'immigration liaison officer' (or ILO) means any representative of one of the Member States, posted abroad by the immigration service 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.

In the light of practical experience gained over the years, it became clear that there was a need to make a number of modifications to the ILO network to make it more effective and improve its scope of action.

**CONTENT:** following an agreement reached with the Council in first reading, the following amendments were made to Regulation (EC) No 377/2004 on the creation of an immigration liaison officers network:

- to enable the ILO network to participate in the ICONet network: with [Decision 2005/267/EC](#), the Council established a secure web-based Information and Coordination Network for Member States' Migration Management Services (or ICONet network) for the exchange of information on irregular migration, illegal entry and immigration and the return of illegal residents. It is therefore considered important to include the Immigration Liaison Officers in this network to exchange information and practical experience. Information exchange on experience regarding asylum seekers' access to protection is also provided for;
- cooperation with the FRONTEX Agency : the Council adopted [Regulation \(EC\) No 2007/2004](#) established a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex). Its tasks include the facilitations of operational cooperation between the Member States and third countries and the exchange of information and practical experience in relation to border controls. It is planned to envisage a new type of cooperation and to permit ILOs to gather information regarding illegal immigration that can assist the Agency;
- initiation of certain ILO network meetings: it is planned that every Member State can organise one or several meetings (and not simply the Member States holding the presidency). Representatives of the Commission and Frontex should participate in those meetings. It should be possible to invite other bodies and authorities, such as the European Asylum Support Office and the Office of the United Nations High Commissioner for Refugees;
- extend the scope of the activity report of ILO networks: in the context of the activity report on the ILO network that the Member State

holding the Council presidency has to draw up for Parliament, Council and the Commission on activities in specific countries and/or regions of particular interest to the Union, it is stipulated that information should be included on the human rights situation in the regions in question. 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. On the basis of these reports and taking into account aspects relating to human rights, the Commission shall, 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.

Territorial provisions: Norway, Iceland, Switzerland and Liechtenstein shall be associated with the implementation of the Regulation in accordance with the bilateral agreement concluded with the EU on the Schengen acquis. The United Kingdom and Ireland shall participate in the adoption and the implementation of this text, in accordance with the protocol annexed to the EU Treaty and subsequent decisions. For the same reasons, Denmark will not participate in the adoption of this text but may decide within a period of 6 months after the Council has decided on this Regulation whether it will implement it in its national law.

ENTRY INTO FORCE: 16.06.2011.