

# ASPECTS REGARDING THE POSSIBILITIES OF IMPLEMENTING INTEGRATED BORDER MANAGEMENT AS A GLOBAL STRATEGY PROMOTED BY THE EUROPEAN UNION

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**Abstract:** *The scientific paper addresses a topical issue regarding the implementation of integrated border management as part of the strategy promoted by the European Union. The European concept of border management is an ongoing process, evolving with the development of technologies, as well as with the improvement of methods for committing cross-border crime. Scientific research aims to analyze strategies to increase the level of border security and adapt to new challenges. At operational level, the creation of the Integrated Border Management System was based on the development of a coordination framework that applies to all relevant authorities and agencies involved in the performance of border security and migration management functions for the benefit of the Schengen system. This modern form of management is based on consultative, participatory and deliberative procedures within bodies through information systems that play a particularly important role. All the contributions made in regard to the approached topic have the role of improving the integrated border management in order to ensure a high degree of security of the citizens of the EU.*

**Keywords:** management, European Schengen Area, European Union, integrated border management, security and global strategy.

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## **1. Introduction**

Integrated border management is the set of activities carried out by authorities and institutions with responsibilities in the field of state border management of Romania, in order to facilitate the free movement of persons, goods and services transiting the border legally, in compliance with the fundamental rights and freedoms.

The concept of integrated state border management aims to improve the capacity to ensure a high level of security at the EU's external border, as well as the adoption and implementation of common policies in the field. The aftermath of the 2015 refugee crisis and the growing wave of populism have encouraged the EU to try to keep important immigrants out.

Europe has strengthened its border police (Frontex-European Border Police and Coast Guard Agency) and also intensified the fight against smugglers, giving more powers to the European police agency Europol. The EU has agreed to increase Frontex's powers and mandate to set up a full-fledged EU border police by creating a permanent body of 10,000 border guards and increasing its budget from EUR 321 million over 2019-2020. to EUR 11.3 billion by 2027. The first 5,000 Frontex border guards will start work in January 2021. Frontex will work with national border guards in the day-to-day management of Member States' borders, but will also intervene in a crisis. Frontex will be able to deploy teams to a Member State that is unable to monitor its borders within ten working days of a crisis being declared. Previously, the agency had to rely on Member States sending border guards and equipment, such as helicopters or boats, to help control Schengen's external borders. Now, the agency will have its own budget, so it will be able to purchase its own equipment. The new Frontex will also monitor and evaluate what Member States are doing to protect their borders.

Strengthening security by combating terrorism, organized crime (human trafficking, drugs, weapons, etc.) can only be achieved by strengthen-

ing and perpetuating cooperation between all EU Member States and strengthening specialized European agencies: Europol, Eurojust, Frontex. With approximately 3,150 kilometers of border under responsibility, the Romanian Border Police is constantly facing extremely varied issues and various illicit motives for crossing the Romanian border, starting from illegal migration, trafficking drugs, weapons and stolen cars and ending with smuggling - in all its forms of manifestation.

Integrated border security is based on the participation of all institutions with capabilities in this field, through participatory management and inter-institutional, national and international cooperation. Unitary coordination of tasks for border authorities is a key element of the correct and coherent application of the integrated border management model. On 22 October 2013, Regulation No 1052 on the European External Border Surveillance System (EUROSUR) was adopted at European level. EUROSUR is a multifunctional system for detecting and preventing cross-border crime, as well as helping to save the lives of immigrants at the external borders of the Schengen area. It provides a common mechanism for almost real-time cooperation and exchange of information in the field of external border surveillance. EUROSUR is a multifunctional system for detecting and preventing cross-border crime, as well as helping to save the lives of immigrants at the external borders of the Schengen area. It provides a common mechanism for almost real-time cooperation and exchange of information in the field of external border surveillance. EUROSUR has been designed as a smart solution to strengthen the protection of the EU's external borders and to become one of the essential tools for preventing tragedies at sea and protecting the lives of migrants. The backbone of EUROSUR consists of "national coordination centers", through which all national authorities responsible for border surveillance (e.g. security, police, coast guard, navy) are obligated to cooperate and coordinate activities.

The EUROSUR Regulation clearly states that Member States and Frontex must fully respect the principles of non-refoulement and human dignity in the case of persons in need of international protection. So the stated purpose of the system is to protect the Schengen external borders and to protect the lives of immigrants trying to enter through life-threatening means.

## **2. Introductory notions about the concept of integrated border management (IBM)**

Securing the Union's external borders is a key element in ensuring an area of freedom, justice and security for European citizens, playing a crucial role in ensuring the free movement of persons in addition to ensuring security.

The European concept of integrated border management is based on 5 pillars of action:

- Border control, which includes: border crossing control, border surveillance and risk analysis;
- Detection and investigation of cross-border crime;
- The model of the four control filters: the regime of activities carried out in third countries, international cross-border cooperation, border activities and inter-institutional cooperation activities carried out within the national territory;
- Inter-agency cooperation;
- Coordination of actions (involving Member States and Community institutions).

Romania as part of the international community has defined its national security strategy based on the overlap between its own objectives and those of European security, adopting the Integrated State Border Management Strategy, which aims to synchronize and harmonize the actions of internal structures with border responsibilities, aiming at better

prevention and combat of transnational crime, as well as achieving compatibility with state border control rules and practices.

A European border surveillance system will help Member States to achieve maximum control over the operational situation at their external borders, thus increasing their reactive capacity. The central element of the overall border strategy is the proper management of borders, which includes border controls and surveillance, based on a risk analysis. Border control is a key element in combating illegal immigration and human trafficking, as well as in preventing any threat to the internal security, public order, public health and international relations of the Member States. It is a multidisciplinary law enforcement activity that raises the common interest of the Member States.

Border surveillance must be carried out by means of fixed or mobile units, which fulfill their mission by patrolling places known to be sensitive to illegal crossing and by monitoring them with the help of high-performance technical and electronic means.

Integrated border security is based on the participation of all institutions with competences in this field, through participatory management and inter-institutional, national and international cooperation.

Unitary coordination of tasks for border authorities is a key element of the correct and coherent application of the integrated border management model.

Integrated management of the EU's external border is a "fundamental component" of the Area of Freedom, Security and Justice (AFSJ) and gives an improved operational mandate to the European Border and Coast Guard - EBCG) for all the main components of the EIBM concept.

Frontex transformation is an important development element in alleviating this tension, but it is clear that the agency alone will not be

enough. Member States face "security threats of increased scope and sophistication", according to the European Commission: "Many current security challenges are cross-border and cross-sectoral" and "No Member State is able to respond to these threats on their own.

Firstly, the operational tasks of the European Border and Coast Guard related to border controls and border surveillance are extended. In regards to expulsion, the Agency has been given powers to implement joint return flights.

The European Border and Coast Guard has been authorized to perform these functions both within the EU and in cooperation with non-EU states. Since the enforcement of the Regulation, the Agency may, in fact, carry out joint operations in the territory and in collaboration with third countries neighboring at least one EU Member State.

The main role of the European Border and Coast Guard is to contribute to border controls and an effective return policy by carrying out the following main tasks:

- carry out a vulnerability assessment which includes an assessment of the capacity and readiness of Member States to deal with threats and challenges at external borders;
- assist Member States in situations where increased technical and operational assistance is needed at the external borders, by coordinating and organizing joint operations, bearing in mind that some situations may involve humanitarian emergencies and rescue operations at sea in accordance with the law; Union and international law;
- set up and send European Border Police and Coast Guard teams, including a rapid reaction reserve, to be sent during joint operations and rapid border interventions, as well as in support teams for migration management;

- constitutes a pool of technical equipment to be deployed in joint operations, rapid border interventions and migration management support teams, as well as in return operations and return interventions;
- assists Member States in the training of national border guards, other relevant categories of staff and return experts, including in setting common training standards;
- participates in the development and management of research and innovation activities relevant to the control and surveillance of the external borders, including the use of advanced surveillance technologies, and develops pilot projects on the matters covered by this Regulation;
- provide the necessary assistance for the development and operation of EUROSUR and, where appropriate, for the development of a common information exchange environment, including for the interoperability of systems, in particular through the development, operation and coordination of the EUROSUR framework.

The deployment of Frontex liaison officers is also an instrument of the Integrated Border Management Strategy, and aims to strengthen cooperation (including on return issues) between Member States and with third countries "of origin or transit on illegal migration". Liaison officers act on behalf of the Agency and their role is to promote cooperation and dialogue between the Agency and the national authorities responsible for border management and return, including the Coast Guard insofar as it carries out border control tasks.

At the same time, placing Frontex at the heart of a system that operates on the basis of "threat assessments", "rapid border interventions", the outsourcing and (to some extent) militarization of border controls and intel-

ligence-based policing, the EIBM concept, means that it is intended to clearly prioritize border security, rather than the objective of ensuring the "proper functioning of cross-border transport" and access to international protection.

### **3. Contributions regarding the implementation of the border management concept**

Interconnection of various large databases for border management and surveillance purposes.

The progressive interconnection and "interoperability" of existing large databases at EU level provides another example of how the inter-agency and cross-border approach underpins the results of the EIBM concept, in an environment of "blurred boundaries" between various EU policies, from migration to criminal justice and police cooperation and from security policy to defense.

Achieving "full interoperability" of EU information systems (e.g. SIS II, VIS, Eurodac and EES, recently introduced) is a key component of the EIBM concept. The interoperability data exchange promoted by the EIBM concept is built on the assumption that, in order to carry out its functions effectively, Member States' border police, law enforcement authorities, security actors and EU agencies as diverse as Frontex or Europol, need "quick and unobstructed access to all information" collected in the various central systems. As such, this mechanism involves not only the progressive interconnection of information systems established for different purposes but also the full availability of information stored in different databases (e.g. maximum collection and exchange) for the national border police, police authorities and intelligence services, regardless of the main purposes for which these databases were created.

These initiatives mainly aim to improve border management and border security by adopting a series of technical records, including, for

example: a single search interface, a biometric identification service, a common data storage and the development of interconnectivity between existing IT and EU systems and suggested databases, Europol and Interpol databases (e.g. databases on Stolen and Lost Travel Documents and Travel Documents Associated with Alerts ) and national IT systems. By promoting the creation of "broadly integrated European and modern border surveillance systems", which include large information systems such as the EES, SIS II, VIS, EURODAC, INTERPOL and EUROPOL, the EIBM concept has become the tool of a border control and mobile surveillance that extends to all travelers, including EU citizens.

The exchange of different types of data between different entities under the EIBM concept and the security strategy is moving towards a regime of widespread surveillance of the movement of people across EU borders. This is confirmed, for example, by the gradual extension of the scope of the Schengen Information System beyond the field of border controls and the consistent use of this system for the purpose of police and judicial cooperation in criminal matters. At the same time, the interoperability of information systems raises serious questions, especially when it comes to accessing databases such as SIS, VIS and Eurodac for purposes related to internal security and counter-terrorism. These information systems were created mainly as tools for border management and migration control. However, the use of the information contained therein by law enforcement and security authorities poses significant challenges to the fundamental rights enshrined in the EU Charter and, in particular, to the right to privacy, data protection and non-discrimination. Also, as pointed out by the Fundamental Rights Agency (FRA) in a recent document on EU interoperability and information systems, the principles of data minimization, purpose limitation and storage limitation "may be the subject of new challenges for fundamental rights" when IT systems become interoperable.

The authorities of the EU Member States, which carry out control and surveillance activities using large information systems, are required to comply with the provisions of the Schengen Borders Code, which requires that measures taken in the context of these activities fully respect human dignity, are proportionate to the objectives pursued and do not discriminate on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

#### **4. EU Smart borders package revision**

The Smart Border Package is also a "part of the ongoing development of the Integrated Border Management Strategy." It refers to an EU initiative aimed at complementing large-scale IT systems designed to collect and manage data related to borders, migration and asylum.

The official purpose of the Smart Border Package is to "fill the information gaps" that the three large databases already developed by the EU (e.g. SIS, VIS and Eurodac) have left in the areas of external border management., reducing residence periods in the event of irregular migration and the fight against terrorism and organized crime. According to Regulation no. 2226/2017 of the European Parliament and of the Council of the European Union, EES (Entry / Exit System), which also includes the proposal to create a Registered Traveler Program (RTP), the new EU centralized base is scheduled to become operational in 2020.

The European Agency for the Operational Management of Large-scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) is mandated to start implementing the EES (Entry / Exit System), in cooperation with the Member States. The Council of the European Union describes the EES (Entry / Exit System) as an important tool for "improving external border controls and strengthening the fight against terrorism".

The Council of the European Union describes the EES (Entry / Exit System) as an important tool for "improving external border controls and strengthening the fight against terrorism" in order to facilitate the identification and return of those beyond the legally permitted period of stay, the new system allows generalized biometric identity checks, which involves the collection of biometric data for third-country nationals traveling to the EU. First, the EES provides for the possibility of collecting the fingerprints of third-country nationals or the facial image, allowing the creation of a "file" of each traveler. The file can then be used to re-identify a person each time they cross the border. According to the EES Regulation, this data will be stored in a centralized system for up to five years. The applicability of the EES to all third country nationals (TCN) will significantly expand the EU's biometric information system, as it applies to every third-country national each time they cross the EU's external border.

The main objectives of the EES (Input / Output System) are:

- to support the identification of third-country nationals who do not or no longer fulfill the conditions for entry or short-term stay in the territory of the Member States;
- to allow the identification and detection of persons who have exceeded the authorized length of stay and to allow the competent national authorities of the Member States to take appropriate action;
- to allow visa authorities to have access to information on the legal use of previous visas;
- to combat identity fraud and misuse of travel documents;
- to contribute to the prevention, detection and investigation of terrorist offenses or other serious crime;
- to enable the generation of information for investigations into terrorist offenses or other serious crime, including the

identification of perpetrators, suspects and victims of those crimes who have crossed external borders;

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## **5. Final conclusions**

Given that our country faces a wide range of border crime, given the geostrategic position at the confluence of East and West, as well as the status of a full member state in the North Atlantic Treaty Organization and the European Union, we consider it is appropriate to develop the concept of Integrated Border Management (IBM) to improve the ability to ensure a high level of security at the EU's external border.

An important point to mention is that border control work is carried out both for the Schengen Member State's benefit at whose external borders. In the interest of the other Member States, which have eliminated or will eliminate control at their internal borders, it requires a joint effort both logistically and in human resources. Efforts are to support states facing intense migratory pressure, increase their capacity to save lives, and, by implication, respect fundamental rights in the context of events similar to those in 2015, amid the migration crisis.

We consider the strategic objective of developing this concept of Integrated Border Management as changing the status, name and capabilities such as conducting joint operations on the territory and in collaboration with third countries bordering at least one EU Member State.

Another novelty of the integrated border management strategy is the deployment of European Border and Coast Guard liaison officers to strengthen cooperation between Member States and with third countries of

origin or transit, regarding illegal migration. With the entry into force of the new regulation of the European Border and Coast Guard, we are witnessing a moment of historical importance that will mark the European continent's entire existence, namely the establishment of the European Standing Corps of staff recruited from the Member States. The permanent body will wear a distinct uniform consisting of border guards from distinct cultures and border control sites operating under a concept of shared values with the ultimate objective of the safety and security of the European area's borders.

The main objective of the new permanent body of border guards is to support the Member States as needed in their efforts to protect the external borders and significantly accelerate migrants' return. Another key component of the EIBM concept is the progressive interconnection and interoperability of existing large databases at EU level, which facilitate the rapid access of Member States' border police to all information collected in the various central systems.

We believe that the implementation of the "Smart Borders" package as an integral part of the concept of integrated border management aims to ensure a high level of security at the external border through the use of the latest technologies.

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