

Smart borders – options and the way ahead

Summary

In this Opinion, the Committee deals with the European Commission's Communication *Smart borders – options and the way ahead* (COM(2011) 680).

In the Communication, the Commission sets out its thinking on technological developments in border control that have taken place since 2008, when the Commission presented its 'border control package'. The Commission proposes in the Communication the setting-up of an entry/exit system (EES) and a registered traveller programme (RTP). According to the proposal, these two systems should be developed simultaneously to minimise costs. Creating major new systems is expensive and entails a number of issues to be addressed, such as necessity, proportionality, data protection, privacy aspects, use of biometric information and cost aspects. In its Communication, the Commission alludes to these key questions concerning the setting-up of the systems. The Communication does not contain any legislative proposals; instead, the Commission's intention with the Communication is to seek general support from the European Parliament, the Council and the European Data Protection Supervisor in taking the proposals forward. The Commission intends to present legislative proposals, together with an impact assessment, during the first half of 2012.

The Committee on Justice welcomes instruments that simplify and boost the effectiveness of travel to and from the EU. The pressure that travellers place on the EU's external borders may be expected to grow markedly, and the Committee therefore thinks it important to review external border management and organise border control activities more effectively and appropriately. It is too early at this stage to scrutinise more closely the initiatives that the Commission presents in the Communication, or pronounce on how the proposed systems should best be designed. The Committee's views in this Opinion are thus general in nature.

The Committee points out that new systems should be based on actual need, and that the starting point must be that action taken must meet the requirements of proportionality, legal certainty, privacy, data protection and observance of human rights. The Committee emphasises the importance of new systems not affecting the scope for seeking asylum and points out that a high level of security in entry and exit checks calls for absolute respect for human rights and international protection.

Given the economic situation prevailing in the EU and the difficulties associated with developing large-scale IT systems, the Committee considers, in line with the Swedish Government, that there may be grounds to focus on launching planned systems such as SIS II (Schengen Information System II) and VIS (Visa Information System) before developing new systems. The added value of further border control measures must be weighed carefully

against their costs. The Committee emphasises the importance of the Commission's continued work on developing an entry/exit system and a registered traveller programme taking account of proportionality and necessity aspects.

There are three reservations of motive in this matter (Green Party, Sweden Democrats and the Left Party).

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The Committee's proposals for a parliamentary decision

Smart borders – options and the way ahead

The Swedish Parliament takes note of the Opinion.

Reservation 1 (Green Party) – statement of reasons

Reservation 2 (Sweden Democrats) – statement of reasons

Reservation 3 (Left Party) – statement of reasons

Stockholm, 16 February 2012

On behalf of the Committee on Justice

Morgan Johansson

The following members have participated in the decision: Morgan Johansson (Swedish Social Democratic Party), Johan Linander (Centre Party), Krister Hammarbergh (Moderate Party), Ewa Thalén Finné (Moderate Party), Kerstin Haglö (Swedish Social Democratic Party), Christer Adelsbo (Swedish Social Democratic Party), Jan R Andersson (Moderate Party), Elin Lundgren (Swedish Social Democratic Party), Anna Wallén (Swedish Social Democratic Party), Arhe Hamednaca (Swedish Social Democratic Party), Patrick Reslow (Moderate Party), Maria Ferm (Green Party), Caroline Szyber (Christian Democratic Party), Kent Ekeröth (Sweden Democrats), Lena Olsson (Left Party), Carl-Oskar Bohlin (Moderate Party) and Roger Haddad (Liberal Party).

Presentation of the matter

The matter and its preparation

The Chamber has, in accordance with Chapter 10(5) of the Riksdag Act, referred the Commission's Communication dated 25 October 2011 Smart borders – options and the way ahead, COM(2011) 680, to the Committee on Justice for scrutiny and an opinion.

The Government Offices of Sweden have drawn up an explanatory memorandum concerning the Communication (2011/12:FPM38 Smart borders).

The Committee on Justice has given the Committee on Social Insurance an opportunity to deliver its opinion on the Commission's Communication. The Committee on Social Insurance provided such an opinion on 31 January 2012, see *Annex 2*.

Background

The Commission's Communication COM(2008) 69 dated 13 February 2008 concerning the next steps in border management in the European Union proposed, *inter alia*, new tools for border control including simplified border crossing for pre-screened and approved travellers, known as trusted travellers, and an entry and exit register for third-country nationals. The proposal also contained ideas on automated border crossing for EU citizens and an electronic system for travel authorisation. The aim of the measures is to increase the security of Member States and ease border crossing. An entry/exit system and a programme for registered travellers would form the core systems for smart borders.

In the conclusions of the European Council from 2008, the Council confirmed the need for better harnessing new technologies to facilitate border control. These issues also appear in the Stockholm Programme from 2009 and in the Commission's Communication on Migration dated 4 May 2011.

The conclusions of the European Council from 24 June 2011 show that the work on smart borders should be pushed rapidly forward, to ensure that new technologies are harnessed to meet the challenges of border control. The Council states that an entry/exit system and a registered traveller programme should be introduced.

The Commission adopted Communication COM(2011) 680 on 25 October 2011.

The main substance of the document

The Communication contains ideas on technological development in border control that have existed since 2008, when the Commission presented its ‘border control package’. The pressure that travellers place on the EU’s external borders is expected to grow markedly, and the Commission therefore thinks it necessary to adopt new technology in border control operations.

In its Communication, the Commission proposes the setting-up of an entry/exit system (EES) and a registered traveller programme (RTP). According to the proposal, these two systems should be developed simultaneously to minimise costs. Creating major new systems is expensive and entails a number of issues to be addressed, such as necessity, proportionality, data protection, privacy aspects, use of biometric information and cost aspects. In its Communication, the Commission alludes to these key questions concerning the setting-up of the systems. The Communication does not contain any legislative proposals; instead, the Commission’s intention with the Communication is to seek general support from the European Parliament, the Council and the European Data Protection Supervisor in taking the proposals forward. The Commission intends to present legislative proposals, together with an impact assessment, during the first half of 2012.

The Commission chooses to hold back on the previously presented ideas on introducing an Electronic System for Travel Authorisation (ESTA) for visa-exempted third-country nationals because the establishment of such a system cannot be considered justified given the volume of data that must be collected, the financial investment required and the potential impact on the EU’s international relations.

In the Communication, the Commission points out that account should be taken of developments in the EU’s visa policy and links with countries outside the EU. The Commission indicates that there are two challenges in particular: firstly, how to efficiently monitor travel flows and control movements of third-country nationals across the external border for the Schengen area as a whole, as a part of a comprehensive approach to the overall governance of the Schengen area, and secondly how to ensure that border crossings are fast and simple for the growing number of regular travellers that constitute the vast majority of border crossers, i.e. those fulfilling all entry conditions.

Currently, the same checks are applied to third-country nationals entering the Schengen area regardless of the level of risk, e.g. of overstay of each individual traveller. In addition, there are no means to record a traveller’s cross-border movements. The authorised stay is calculated based on manual stamps in the traveller’s passport or travel documents. The entry and exit dates are not centrally recorded. As a consequence, delays at border crossings can be long and information on “overstayers”, i.e. travellers who stay beyond their authorised stay, is often missing. According to the Commission, the fact that all third-country nationals have to go through the same border checks, regardless of the level of risk they present or their frequency of travel, does not represent an efficient use of border guards.

The proposal that the Commission presents comprises two components, namely an entry/exit system (EES) and a registered traveller programme (RTP).

Entry/exit system

The idea behind an entry/exit system (EES) is that third-country nationals who enter and exit the external borders must be registered with at least their name, date of birth, sex, nationality and passport information. The Commission proposes starting in a first phase with alphanumeric information only, and, where appropriate, adding biometric information (fingerprints and facial images) at a later stage, based on first evaluation results both in terms of the overall impact of the system and on border management. The primary aim is for EES to give Member States better control of which third-country nationals are present on the territory, thus enabling Member States to establish whether someone has stayed longer in the territory than the rules allows. The system would replace the current system of manual stamping of travel documents and stays would be calculated in a computerised manner, which would in turn lead to shorter queues at border crossing points.

Registered traveller programme

The idea behind the registered traveller programme (RTP) is that it should provide a means of simplified border crossing for registered travellers, i.e. travellers pre-screened on the basis of border crossing requirements in force. Where pre-screening has been performed, visa-exempted travellers and travellers requiring visas from third countries must be capable of being granted registered traveller status. At the border crossing point, they may then pass through automated border controls, where these exist in Member States. Participation in the programme will be voluntary for third-country nationals.

Questions and principles to take into account in establishing the systems

The Commission discusses the systems on the basis of guiding principles for information management in the area of freedom, security and justice. The proposed systems are therefore elucidated in terms of principles such as the principle of necessity, the principle of adequate risk management, the principle of cost-effectiveness, the principle of proportionality and the principle of data protection.

The Commission indicates that a fully operational and developed Visa Information System (VIS) is a prerequisite for the implementation of a Smart Borders system. Indeed, the EES and the RTP would make maximum use of existing systems and tools, such as the Biometric Matching System which underpins the VIS and the fingerprint scanners which are used for this system.

In designing the proposed systems, a number of key choices will, according to the Commission, need to be made. One such question is whether a centralised or a decentralised architecture should be adopted. A centralised architecture comprises a central database and national interfaces of Member States connected to it, whereas a decentralised architecture requires setting up national systems and interconnecting them to each other. The Commission also argues how information should best be stored in the RTP and how questions of data protection and data security can be resolved. The Commission further discusses what information an entry/exit system should contain and approaches to introducing such a system.

Costs for developing the systems will be influenced by which implementation options are chosen and, especially, whether the systems are developed together or separately. The Commission notes that the systems will initially require significant development costs and

states that the substantial costs foreseen at this stage need to be considered alongside the benefits. To illustrate this, the Commission cites as an example the fact that the RTP will automate a substantial share of all border crossings, allowing for cuts in personnel needed and thereby yielding savings. The Commission further indicates that the allocation proposed for the period 2014–2020 in the Commission proposals for the next MFF for the internal security fund takes into account the setting-up, development and initial operation of the two systems. The extent and share of the costs incurred at national level for developing and/or operating the new systems that the EU budget should cover is a matter that the Commission will discuss with the European Parliament and the Council.

The Committee's scrutiny

Explanatory memorandum

The Government Offices of Sweden have drawn up an explanatory memorandum (2011/12: FPM38 Smart borders) in response to the Commission's Communication on Smart borders, COM(2011) 680.

The section entitled Preliminary Swedish Opinion indicates that the Swedish Government welcomes the Commission's Communication presenting ideas on future technological developments in border control. New systems must, in the Swedish Government's view, be based on actual need, and the point of departure must be that measures taken must meet the requirements of proportionality, legal certainty, privacy, data protection and observance of human rights. The Swedish Government further points out that new instruments must not affect the scope for seeking asylum in the EU.

The funding aspect is very important, in the Swedish Government's view. For the systems to be justified, their benefits must outweigh their cost. The cost of new border-control technology must also be set against the cost of other ongoing and planned EU initiatives.

The Swedish Government welcomes instruments that simplify and boost the effectiveness of travel to and from the EU. At the same time, however, it emphasises that it must not become more difficult to fight illegal immigration.

The Swedish Government points out that the EU is currently in a difficult economic situation. It also cites existing experience of the difficulties associated with developing large-scale IT systems. Given this situation, the EU should, according to the Swedish Government, focus first and foremost on launching planned systems such as the Schengen Information System (SIS II) and the Visa Information System (VIS) before developing new systems.

Finally, the Swedish Government states that if the Commission presents legislative proposals together with an impact assessment, these must be analysed before a final position can be taken on the matter.

Opinion of the Committee on Social Insurance

The Committee on Justice has given the Committee on Social Insurance an opportunity to deliver an opinion on the Communication on Smart borders. The Committee on Social Insurance delivered such an opinion on 31 January 2012.

In its opinion, the Committee on Social Insurance essentially states the following.

The EU will in future need to handle significantly increased travel flows at external borders. In the Committee's view, this means that the EU must modernise management of the external borders and give the Schengen area better scope for handling future changes in a more modern and more effective manner. Like the Swedish Government, the Committee would emphasise that new systems must be based on actual need, and the point of departure must be that measures taken must meet the requirements of proportionality, legal certainty, privacy

and data protection. The Committee further considers that new systems must not affect scope for seeking asylum, and that it is essential that human rights are never disregarded, including by not discriminating against third-country nationals. Furthermore, the Committee is positive about an entry/exit system potentially underpinning the development of visa policy, for example in the evaluation of visa liberalisation measures and visa facilitation agreements. The Committee, which notes that no work will be done to develop the EES or an RTP before the European Parliament and the Council have adopted a legal basis for the systems clearly describing them, assumes that the migration aspect and the unconditional right to asylum are also catered for in this context.

Views of the Committee on Justice

Like the Swedish Government, the Committee welcomes instruments that simplify and boost the effectiveness of travel to and from the EU. The pressure that travellers place on the EU's external borders may be expected to grow markedly, and the Committee therefore thinks it important to review external border management and organise border control activities more effectively and appropriately. It is too early at this stage to scrutinise more closely the initiatives that the Commission presents in the Communication, or pronounce on how the proposed systems should best be designed. The Committee's views in this Opinion are thus more general in nature.

The Committee shares the view of the Swedish Government and the Committee on Social Insurance that new systems should be based on actual need, and that the starting point must be that action taken must meet the requirements of proportionality, legal certainty, privacy, data protection and observance of human rights. Like the Committee on Social Insurance, the Committee emphasises the importance of new systems not affecting scope for seeking asylum. A high level of security in entry and exit checks calls for absolute respect for human rights and international protection.

The EU is currently in a difficult economic situation, and experience has shown the development of large-scale IT systems to be associated with difficulties. Given this situation, the Committee considers, in common with the Swedish Government, that there may be grounds for focussing on launching planned systems such as SIS II and VIS before new systems entailing long-term commitments and significant investment are developed. In the Committee's view, it is important to assess whether a measure is effective before it is implemented. The added value of further border control measures must be carefully weighed up against their cost.

Finally, the Committee would emphasise the importance of the Commission's continued work on developing an entry/exit system and a registered traveller programme taking account of proportionality and necessity aspects.

Reservations

The Committee's proposals for a parliamentary decision and an opinion have led to the following reservations.

1. *Smart borders – options and the way ahead: statement of reasons (Green Party)*

by Maria Ferm (MP).

Opinion

I appreciate the fact that the Committee emphasises that new systems must not affect scope for seeking asylum and that there must be absolute respect for human rights. The Swedish Government's agreement with the Swedish Green Party concerning migration policy until 2014 also shows that Sweden is seeking to achieve a common asylum policy in the EU. The overall objective is for the policy to be humane, legally certain and effective. There are currently deficiencies within the EU in the handling of asylum seekers. EU Member States must share responsibility for offering protection and provide a good reception. Individual Member States must not be prevented from having a more generous attitude to asylum seekers than the EU as a whole. This is my stance and that of the Green Party both on migration policy issues and on issues concerning border management within the EU.

The Commission proposes the creation of two parallel systems for entry to and exit from the EU, one for 'trusted' travellers and the other for other travellers from third countries. I can see great risks in such a split. Firstly, this approach risks further exacerbating the division between those who may end up seeking asylum in the EU and those who are important for the Union from other perspectives. Secondly, this approach would entail the handling of personal information, particularly biometric data. There is a risk that this division would lead to those travelling to the EU being treated differently, with existing formal obstacles being supplemented by greater informal obstacles in terms of treatment, attitudes and associated bureaucratisation. Special care is therefore needed to prevent this from happening.

2. *Smart borders – options and the way ahead: statement of reasons (Sweden Democrats)*

by Kent Ekeröth (Sweden Democrats).

Opinion

The first component of the Smart borders initiative, dubbed "an entry and exit system for third-country nationals", entails checking third-country nationals entering and exiting the EU. Better checking of those coming from outside is important and necessary, not least given that Sweden is in the Schengen area. I am generally negatively disposed to new EU projects and

more supranational governance. In the light of the current situation and because the proposal does not lead to power passing from Sweden to the EU, I am, however, positively disposed to this EU system for checking those crossing the external borders. So long as the computer systems are secure enough, I am also, unlike the Commission, not negatively disposed to biometric information being used by the first phase. I consider that the costs of the system should be kept within the existing budget framework. In my view, resources should be reprioritised from other areas if this is what is needed to fund this system.

In relation to the second component of the initiative concerning “a registered traveller programme”, I am, however, negatively disposed to this because I fear that “simplified crossing” would lead to poorer border control, which could increase the risk of illegal immigration and smuggling and increase the threat to security. Such a system, in combination with the visa facilitation for certain countries that the EU indicates, is currently, in my view, not the right approach.

3. Smart borders – options and the way ahead: statement of reasons (Left Party)

by Lena Olsson (Left Party).

Opinion

The Commission proposes the creation of two new systems for entry/exit across the EU’s external borders, one for ‘trusted travellers’ and the other for other travellers from third countries. I am against such a division of travellers and fear that it would help further distinguish those who may end up seeking asylum in the EU from those considered important for the Union from a commercial perspective. I appreciate the fact that a majority on the Committee emphasises the fact that new systems must not affect scope for seeking asylum and that there must be absolute respect for human rights. However, it is evident that the gates to Europe are evidently being closed and that the walls around Europe are being raised ever higher.

Measures such as visa requirements aimed at countries where war is going on or where there are extensive violations of human rights form part of the EU’s exclusion policy aimed at refugees and others in need of protection. In my view, introducing the systems that the Commission now proposes would threaten the right to asylum. When the Commission argues that travellers to and from the EU should be recorded using biometric identifiers to be able to eliminate ‘illegal immigration’, this ignores the fact that legal ways into Europe do not currently exist and that the Dublin Regulation forces asylum seekers to seek asylum in the country in which they first arrived, regardless of the fact that the examination of asylum applications is substandard in a number of countries and that the outcome of an application depends in large part on which country handles it.

In my view, it may also be called into question whether the systems proposed offer such added value, as compared with existing systems, as to justify the costs associated with setting them up.

ANNEX 1

List of documents examined

Communication from the Commission to the European Parliament and the Council: Smart borders – options and the way ahead, COM (2011) 680

ANNEX 2

Opinion of the Committee on Social Insurance
2011/12:SfU4y

Smart borders – options and the way ahead

To the Committee on Justice

On 15 December 2011, the Committee on Justice gave the Committee on Social Insurance an opportunity to deliver its opinion on the Commission's Communication *Smart borders – options and the way ahead*, COM(2011) 680.

The Committee sets out its deliberations on the matter in the Opinion.

The Opinion contains a separate opinion (Left Party).

The Committee's deliberations

Background

The Commission's Communication *Preparing the next steps in border management in the European Union* (COM(2008) 69) proposed new tools for border control, including simplified border crossing for pre-screened and approved travellers ('trusted travellers') and an entry/exit register for third-country nationals. The aim of the measures was to increase the security of the Member States and facilitate border crossing. An entry/exit system and a registered traveller programme were intended to form the core systems for smart borders.

In conclusions of the European Council from 2008, the Council confirmed the need for better harnessing new technologies to facilitate border control.

The conclusions of the European Council dated 24 June 2011 show that the work on smart borders should be pushed rapidly forward, to ensure that new technologies are harnessed to meet the challenges of border control. The Council states that an entry/exit system and a registered traveller programme should be introduced.

The Commission

Communication COM(2011) 680, which was adopted on 25 October 2011, identifies certain key questions but does not contain any legislative proposals. Instead, the Commission's intention with the Communication is to seek general support from the European Parliament, the Council and the European Data Protection Supervisor in presenting legislative proposals, together with an impact assessment, in spring 2012.

The Communication states that every year some 700 million external border crossings are made via land, sea and air borders. About a third of these border crossings are by third-country nationals who are checked thoroughly at the border crossing point. According to the Communication, there is no doubt that border crossings will continue to rise significantly, especially at airports. In the most likely scenario, Eurocontrol expects an increase from 400 million in 2009 to 720 million border crossings at the air borders in 2030.

The Commission states that the fact that all third-country nationals have to go through the same border checks, regardless of the level of risk they present or their frequency of travel, does not represent an efficient use of border guards and therefore proposes the establishment of an entry/exit system and a registered traveller programme. The two systems should be developed simultaneously to minimise costs. Both systems would be founded on Regulations based on Article 77 of the TFEU.

Entry/exit system

The idea is that all third-country nationals who enter and exit the external borders must be registered with at least their name, date of birth, sex, nationality and passport information. The Commission proposes starting in a first phase with this information only, and, where appropriate, activating biometric information (fingerprints and facial images) at a later stage. The primary aim is for the system to give Member States better control of which third-country nationals are present on the territory, thus enabling Member States to establish

whether someone has stayed longer in the territory than the rules allow. The system could replace the current system of manual stamping of travel documents and stays would be calculated in a computerised manner, which would in turn lead to shorter queues at border crossing points.

The entry/exit system could also underpin evaluations, for example, with regard to visa facilitation agreements, but also within the framework of the Partnership for Migration, Mobility and Security with certain neighbouring countries. It can be seen as a responsibility of the EU, for example, to justify maintaining the visa requirements on the nationals of a given third country by showing that there is a problem of overstaying and/or to reintroduce visas in certain cases. In conjunction with the VIS, this would make the EU's efforts to address irregular migration and increase the number of successful returns more effective.

Registered traveller programme

The idea is that this programme should provide a means of simplified border crossing for registered travellers, i.e. travellers pre-screened on the basis of border crossing requirements in force. Where pre-screening has been performed, visa-exempted travellers and travellers requiring visas from third countries must be capable of being granted registered traveller status. At the border crossing point, they may then pass through automated border controls, where these exist in Member States.

The Swedish Government's preliminary position

The Swedish Government sets out its preliminary position on the Communication in explanatory memorandum 2011/12:FPM38 Smart borders.

The Swedish Government welcomes the Commission's Communication presenting thinking on future technological developments in border control.

New systems should be based on actual need, and the starting point must be that action taken must meet the requirements of proportionality, legal certainty, privacy, data protection and observance of human rights. New instruments must not affect scope for seeking asylum in the EU.

The funding aspect is very important. For the systems to be justified, their benefits must outweigh their cost. The cost of new border-control technology must also be set against the cost of other ongoing and planned EU initiatives.

The Swedish Government welcomes instruments that simplify and boost the effectiveness of travel to and from the EU. At the same time, it must not become more difficult to fight illegal immigration.

The EU is currently in a difficult economic situation. In addition, experience shows that the development of large-scale IT systems is associated with difficulties. Given this situation, the EU should focus first and foremost on launching planned systems such as SIS II and VIS before developing new systems.

If the Commission presents legislative proposals together with an impact assessment, these must be analysed before a final position can be taken on the matter.

The Committee

The EU will in future need to handle significantly increased travel flows at external borders. In the Committee's view, this means that the EU must modernise the management of the external borders and give the Schengen area better scope for handling future changes in a more modern and more effective manner. The Communication, which identifies key questions but does not contain legislative proposals, describes scope for addressing these challenges through the use of new technology to enable travellers to cross the borders more quickly and more smoothly while at the same time improving information on citizens in countries outside the EU who cross the borders.

Like the Swedish Government, the Committee would emphasise that new systems must be based on actual need, and the starting point must be that action taken must meet the requirements of proportionality, legal certainty, privacy and data protection.

The Committee further considers that new instruments must not affect scope for seeking asylum, and that it is essential that human rights are never disregarded, including by not discriminating against third-country nationals.

Furthermore, the Committee is positive about an entry/exit system potentially underpinning the development of visa policy, for example in the evaluation of visa liberalisation measures and visa facilitation agreements.

The Committee, which notes that no work will be done to develop the EES or an RTP before the European Parliament and the Council have adopted a legal basis for the systems clearly describing them, assumes that the migration aspect and the unconditional right to asylum are also catered for in this context.

Stockholm, 31 January 2012

On behalf of the Committee on Social Insurance

Gunnar Axén

The following members have participated in the decision: Gunnar Axén (Moderate Party), Mikael Cederbratt (Moderate Party), Lars-Arne Staxäng (Moderate Party), Eva-Lena Jansson (Swedish Social Democratic Party), Kurt Kvarnström (Swedish Social Democratic Party), Ulf Nilsson (Liberal Party), Shadiye Heydari (Swedish Social Democratic Party), Solveig Zander (Centre Party), Jasenko Omanovic (Swedish Social Democratic Party), Saila Quicklund (Moderate Party), Gunvor G Ericson (Green Party), Emma Henriksson (Christian Democratic Party), David Lång (Sweden Democrats), Gunilla Nordgren (Moderate Party), Annelie Karlsson (Swedish Social Democratic Party), Christina Høj Larsen (Left Party) and Tomas Nilsson (Swedish Social Democratic Party).

Separate opinion

Christina Höj Larsen (Left Party) states the following:

The Left Party appreciates the fact that, in its opinion, the Committee emphasises that new methods and instruments “must not affect scope for seeking asylum, and that it is essential that human rights are never disregarded, including by not discriminating against third-country nationals”.

At the same time, the Left Party can see that the gates to Europe are being closed and that the walls around Europe are being raised ever higher for asylum seekers. Measures such as visa requirements aimed at countries where war is going on or where there are extensive violations of human rights form an important part of the EU’s exclusion policy aimed at refugees and others in need of protection. This poses a serious threat to the right to asylum.

The Commission proposes the creation of two parallel systems for entry to and exit from the EU, one for ‘trusted’ travellers and the other for travellers from third countries. The Left Party opposes such a grading of travellers and fears that it would further exacerbate the division between those who may end up seeking asylum in the EU and those who are important for the Union from a commercial perspective. Such a classification of travellers is undesirable.

In addition, the phased recording of data on entry to/exit from the Union (personal data during the first phase, and biometric identifiers during the second phase) violates privacy.

When the Commission argues for the recording of entries and exits using biometric identifiers to be able to eliminate ‘illegal immigration’, this ignores the fact that

- a) legal ways into Europe do not currently exist for asylum seekers,
- b) the Dublin Regulation forces asylum seekers to seek asylum in the country in which they first arrived, regardless of the fact that the examination of asylum applications is substandard in a number of countries and that the outcome of an application depends in large part on which country handles it.