

CHECK AGAINST DELIVERY

Remarks by Mr. Jonathan Faull – Director General of Justice and Home Affairs – European Commission to the Senate Committee on Foreign Relations – Sub-Committee on European Relations

Hearing “Challenges and Accomplishments as the EU and the US promote Trade and Tourism in a Terrorism environment”, 13 May 2004, Washington DC

INTRODUCTION

Chairman Allen, Ranking Member Biden, members of the committee,

Thank you for inviting me here today. I welcome the opportunity to say a few words about our very close cooperation with the US Government.

It is fitting that I do so in the company of Stewart Verdery, who has played an important role in building cooperation with us across the Atlantic.

The European Union now has 25 Member States. The European Commission’s role is to develop policy, propose legislation, enforce rules once adopted and represent the EU internationally.

My job is to run the department known as the Directorate-General for Justice and Home Affairs. My boss, Commissioner Antonio Vitorino, has been in Washington this week to attend the G8 Justice and Home Affairs Ministerial meeting and to meet his counterparts in the US Administration.

The issues addressed by Mr Verdery in his remarks are certainly at the top of our agenda too.

We are building an integrated system across the whole of the EU with secure external borders, allowing bona fide travellers access to our territory, while keeping others out. We are developing laws and networks to deter, prevent and punish serious crime, including terrorism.

As Ambassador J. Cofer Black stated before the Senate Foreign Relations Sub Committee on Europe little over a month ago, “neither the US nor Europe can fight the war against terrorism alone.” This is a message we have also received from many American friends this week. It is one we share fully. Building on what was already a sound relationship, we have developed close and

unprecedented cooperation with the US in the fight against terrorism since the tragic events of 11 September 2001. The awful attacks in Madrid on 11 March this year made it abundantly clear to us all that the fight against terrorism is global and far from over.

In the area of border and transport security we have established a high level policy dialogue between the EU and the US. The US is represented in this forum by the Departments of State, Homeland Security and Justice. The group first met on 26 April 2004. Under Secretary Asa Hutchinson led the US delegation, while I had the honour to chair the meeting on the EU side. We had a very good meeting, discussing issues such as biometrics, sky marshals, visa policies and information sharing. We intend to meet at least twice a year and to make the group a lasting vehicle for cooperation between the EU and US in these areas.

BIOMETRICS

One of our most important common endeavours is to make travel safer. We want to improve the security of documents by integrating biometric identifiers.

Nearly all travellers nearly all the time are going about their business as law-abiding citizens. Transatlantic relations, business and personal, are of great importance to us all. Our aim should be to make travel safe and prevent criminals and terrorists from abusing our open societies.

By the end of this year, we intend to adopt laws and technical rules to introduce biometric data into EU visas and residence permits issued to foreigners and into our own passports in a harmonised, coherent and interoperable way.

We understand the reasons for the extension of the US Visit program to all travellers arriving in the US. We hope that the Visa Waiver program will be maintained and eventually extended to all 25 EU countries.

BORDER CONTROL

We are busy enhancing the control and surveillance of our now expanded external borders. We are resolute in fighting against illegal immigration, trafficking of all kinds and of course international terrorism. But at the same time the new, enlarged EU is open for business and we welcome friendly visitors.

We are setting up a “European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union”. This Agency will coordinate operational activities at our external borders, assisting national border guards by providing common training and risk analysis, as well help on procurement of equipment and research matters. The Agency will also cooperate with international organisations and foreign countries, including of course the United States, on matters relating to its tasks. The Agency will not have a law enforcement role, but is expected to be a key player in our border management system.

PNR

We share the US’s determination to strengthen border and aviation security, while facilitating the free movement of legitimate travellers. I expect decisions to be taken in the next few days whereby the Commission will make an adequacy finding under our data protection rules and the Council of Ministers will adopt the International Agreement on the transfer of PNR data to the US authorities. This will end a period of legal uncertainty for European air carriers. We take data protection very seriously and believe that we have struck the right balance after arduous negotiations with our US counterparts. As you know, the European Parliament has not shared this view and litigation before the European Court is still a real prospect.

We agree that the advance scrutiny of air passengers is a key element in border security. We have adopted common rules on an advanced passenger information system (APIS), requiring airlines to provide border authorities with passenger data prior to the arrival of aircraft. This system will enable national authorities to keep *bona fide* travellers moving smoothly, while boosting law enforcement efforts.

These shared objectives require constant exchanges of information and effective shared risk analysis. We are preparing legislation for the use of passenger manifest data for internal security purposes, creating an obligation for air carriers to transmit these data to law enforcement authorities. This will provide a sound legal basis to enhance information sharing with the US for law enforcement purposes.

SKY MARSHALS

We share the view that special security measures have to be taken when a flight is under terrorist threat. Who could possibly think otherwise?

Some of our Member States use sky marshals, others do not and lack the facilities for training them. We have agreed with our US friends that other special security measures could be used. Exchange of PNR can be considered as one of these measures.

The Commission has proposed guidelines for this purpose, which will be discussed soon with Ministers. They have taken account of discussions in the G8 SAFTI group. Valuable work is also being done by ICAO.

Exchange of data on lost and stolen travel documents via Interpol

We suggested to the US that we feed our data on lost and stolen passports into an Interpol data base.

This week the US forwarded 330,000 entries from its Consular Lost and Stolen Passport (CLASP) system to Interpol. We will follow suit shortly. We will visit Interpol in Lyon, France soon and have invited the US to join us there.

These are just some of the areas we are working on together. Of course we do not always agree on everything immediately, but there should be no doubt about our common determination and resolve. We are open societies united by common democratic values. We will continue to promote movement of people across the Atlantic while uniting in the fight against terrorism and crime of all sorts.