

# Smart borders and civil liberties in the EU

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Border control

Security

Fundamental rights and liberties

EU Smart borders

Entry/Exit System

Registered traveller programme

‘Implementing Schengen is a legal obligation [...] We all know [the Member States] can’t do it in practice, the borders are not controlled as well as they should be. If the Commission wanted we could sue each single Member State [...] The answer is capacity building, either adding more people or more technology. If you want to monitor 230 million border crossings you need to do something’

(Commission official, May 2015)

Transformation of border control rather than upgrade

Datafication and surveillance

Political process rather than functional need

Civil liberties - beyond data protection

## Datafication

SIS (II) (1995)  $\pm$  900,000 personal records/year

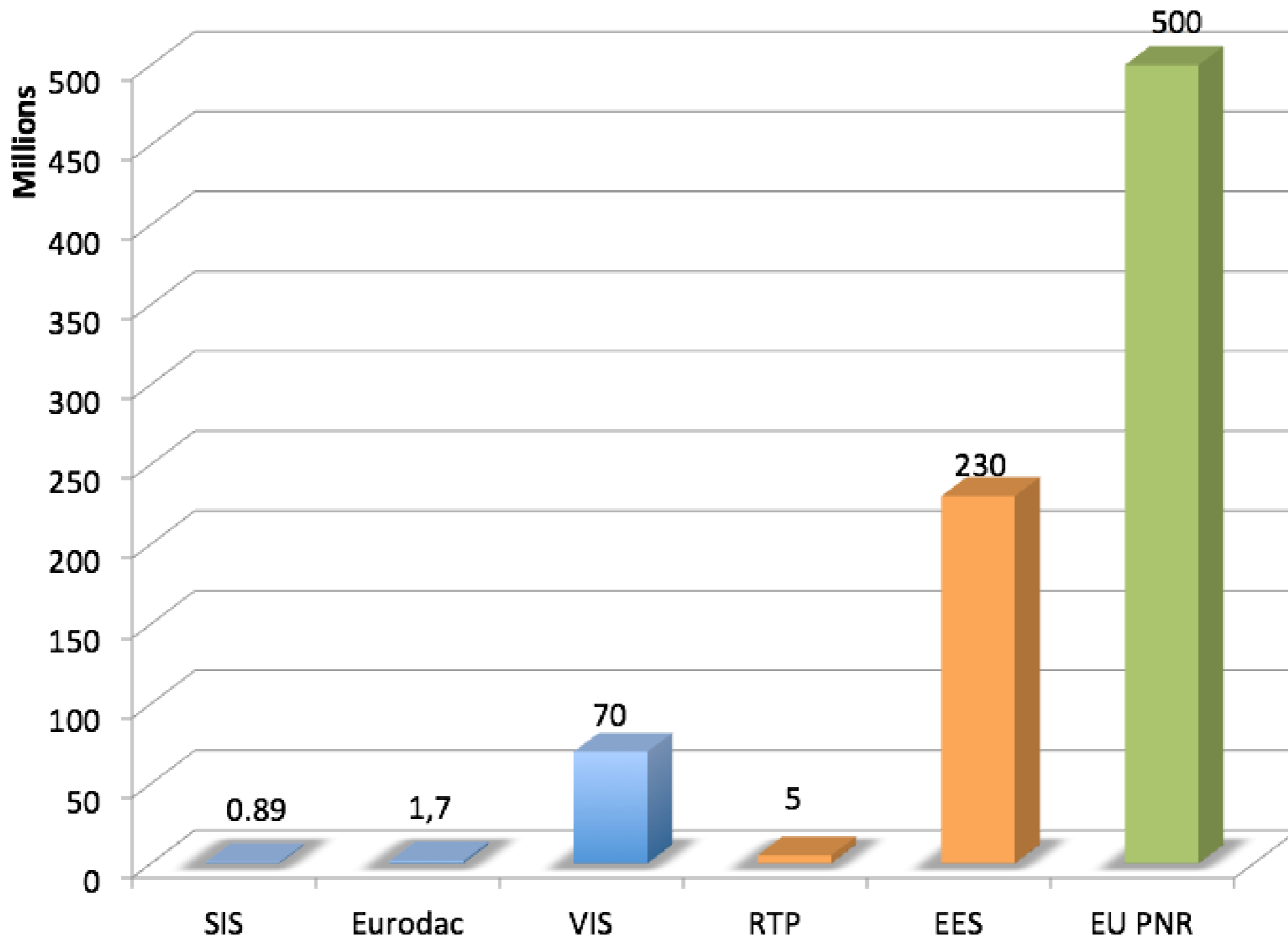
EURODAC (2003)  $\pm$  1,7 million personal records/year

VIS (2011)  $\pm$  70 million personal records/year

EES (20xx)  $\pm$  230 million personal records/year

EU-PNR (20xx)  $\pm$  500 million personal records/year

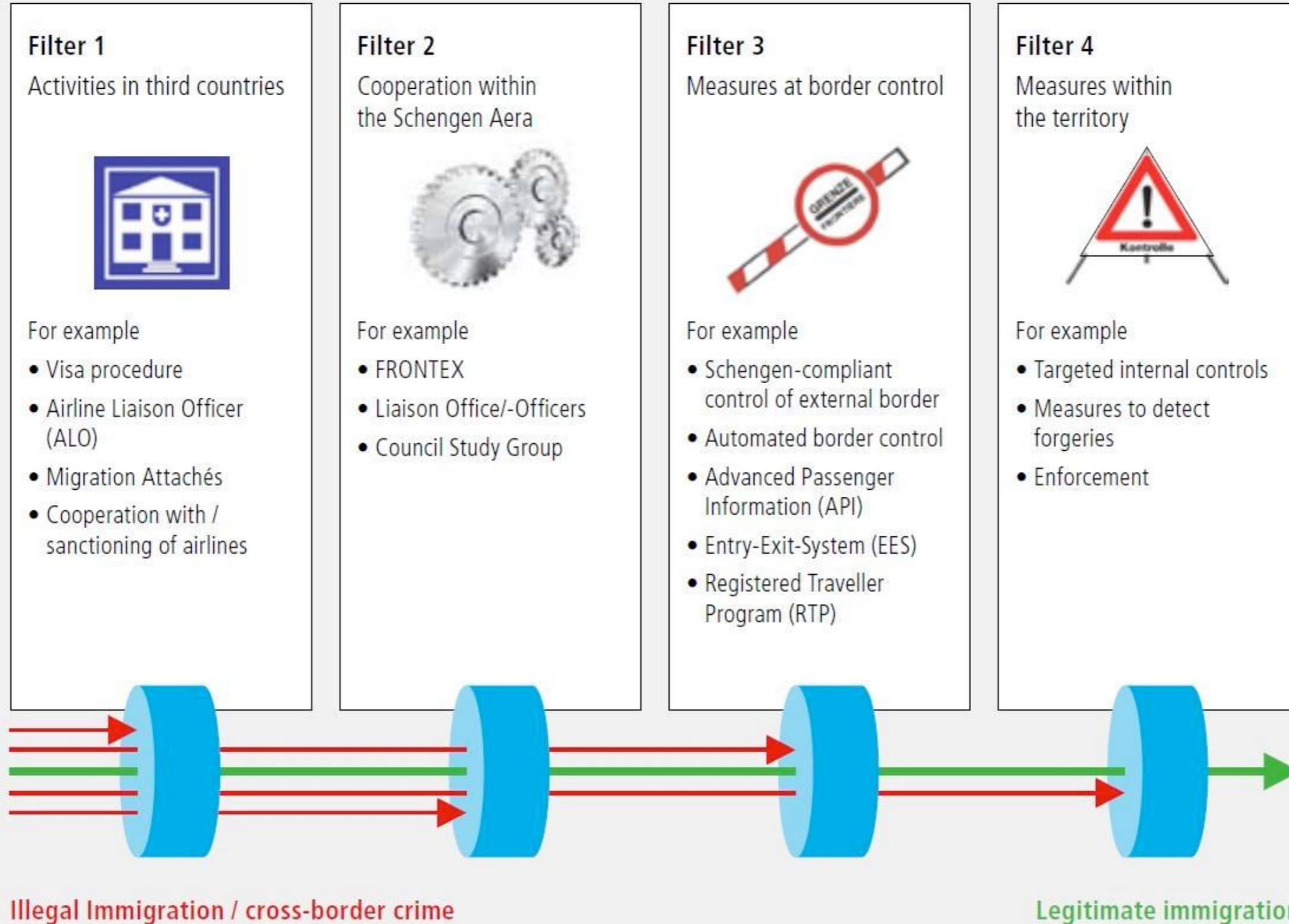
## Estimate of personal records/year in existing and foreseen DPS



From bulk to bulkier EU border surveillance

## Four-filter model

(component of the EU's system of integrated border management)





A 'filter' model of border control

Spatial and temporal extension of control

'Person-centric' border control

'Connecting the dots', 'filling the gaps', 'just-in-case' scenario

The functionalist explanation

The Orwellian alternative

Buggy brothers and petty siblings



1984

GEORGE ORWELL

Buggy Brother?

SIS II: 10 years of development

VIS: 10 years of development

EES: set aside in 2004 for VIS, back in 2008,  
legislation proposed in 2013, in development

Petty siblings

Struggles over control of border control

Policy as battle over political and bureaucratic territory

Civil liberties

Data protection and privacy - mitigation

'Balance' between security and liberty - misleading

Border control/social control - suspicion and the presumption of innocence

The problem of harm

'Person-centric' control and discrimination