

CARDS REGIONAL PROGRAMME

*“Establishment of EU compatible legal, regulatory
and institutional frameworks in the fields of
Asylum, Migration and Visa matters”
(CARDS AMV)*

MIGRATION MODULE

REGIONAL GUIDELINES ON “Irregular Migration & Data Collection”

Results of three workshops held during the
Regional Seminar on “Irregular Migration & Data Collection”
Tirana, 09 - 12 May 2005

Workshop I: Irregular Migration

1. Definitions

1.1. Smuggling

All countries of the region have ratified the UN Protocol against smuggling of migrants by land, sea and air, supplementing the UN Convention Against Transnational Organised Crime.

The participants of the workshop agreed with the definition contained in Article 3(a) of the Protocol. Accordingly, smuggling of migrants shall mean “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”.

1.2. Facilitation of entry and residence

The participants recognised that the definition of unauthorised entry, transit and residence contained in the Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence is wider than that of the ‘Smuggling Protocol’ in that it requires that the unauthorised entry and transit have to be punishable even if not committed for financial gain.

Where the national legislation of the States of the region is not yet in line with the Article 1 of the Directive, appropriate sanctions on:

- (a) any person who intentionally assists a person who is not a national of the country of the region concerned to enter, or transit across, the territory of the country of the region concerned in breach of the laws of the State concerned on the entry or transit of third-country nationals;
- (b) any person who, for financial gain, intentionally assists a person who is not a national of the country of the region concerned to reside within the territory of the country of the region concerned in breach of the laws of the State concerned on the residence of third-country nationals

should be adopted.

The participants are aware that in accordance with the Directive, States may decide not to impose sanctions with regard to the facilitation of entry or transit for cases where the aim of the behaviour is to provide humanitarian assistance to the person concerned. However, they agreed that such exemptions should be applied only in very severe cases such as natural disasters or wars, for example.

1.3. Marriages and adoptions of convenience

The participants also highlighted the need to be aware of and monitor cases of marriages and adoptions of convenience as well as false claims of parenthood in order to fight irregular migration effectively.

2. Penalties and sanctions

2.1. Effectiveness, proportionality, dissuasive effect

Participants agreed that penalties introduced to prevent and sanction actions of smuggling of migrants and the facilitation of unauthorised entry, transit and residence should be effective, proportionate and have dissuasive effect. These principles are reflected in the national laws of the countries of the region.

2.2. Attempt, participation and organisation

The participants agreed that the attempt of, the participation in and the organisation of offences of smuggling of migrants and the facilitation of unauthorised entry, transit and residence should also be punishable in all cases. These principles are reflected in the criminal codes of the countries of the region.

2.3. Definition of activities leading to maximum sentences

The participants took note of the requirement contained in Article 1(3) of the Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence. Therefore each State of the region should take the measures necessary to ensure that, when committed for financial gain, the facilitation of illegal immigration is punishable by custodial sentences with a maximum sentence of not less than eight years where:

- it is committed as an activity of a criminal organisation¹ or
- while endangering the lives of the persons who are the subject of the offence.

It was recognised that because of the severity of these sanctions they would have to be contained in the criminal code of the countries of the region and not in the administrative law.

2.4. Penalties for legal persons

The participants recognised that pursuant to Article 2 of the Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence, each EU Member State shall take the measures necessary to ensure that legal persons, for example companies and other legal entities, can be held liable for the facilitation of unauthorised entry, transit and residence. This should be the case where the facilitation is committed to the benefit of the legal person by any person who has a leading position within the company.

EU Member States also have the obligation to ensure that a legal person can be held liable where lack of supervision or control within the company has made it possible to commit the facilitation of illegal immigration for the benefit of the company.

Therefore it is recommended that the countries of the region align their national legislations with the requirements of the EU Acquis in this regard.

The participants agreed that the penalties that may be imposed on legal persons should include:

- exclusion from entitlement to public benefits
- temporary or permanent disqualification from the practice of commercial activities
- placing under judicial supervision, and/or
- a judicial winding-up order

These sanctions could be imposed parallel to the sanctions imposed on the individuals involved.

¹ Joint Action 98/733/JHA of 21 December 1998 (OJ L351/1, 29.12.1998) defines a criminal organisation as a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, whether such offences are an end in themselves or a means of obtaining material benefits and, where appropriate, of improperly influencing the operation of public authorities.

2.5. Jurisdiction

The participants took note of Article 4(1) of the Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence which provides that each EU Member State shall take the measures necessary to establish its jurisdiction with regard to the facilitation of illegal immigration that has been committed

in whole or in part within its territory,
by one of its nationals, or
for the benefit of legal persons established in the territory of that Member State.

The participants reported that lack of jurisdiction in particular with regard to the prosecution of legal persons (companies etc.) has led to practical difficulties and recommended the alignment of the national laws of the countries of the region with the EU Acquis in this regard even though this will not resolve all the practical difficulties encountered.

3. Carrier liability

3.1. Obligations of the carrier

The participants recognised the obligations of carriers contained in the Schengen Convention and in Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 to:

take all the necessary measures to ensure that a third-country national carried by air or sea is in possession of the travel documents required for entry and to return such third country nationals when:

- entry is refused
- the carrier which was to take the third country national to his/her country of destination refuses to take him/her on board
- the authorities of the State of destination have refused him/her entry and have sent him/her back to the Member State through which he/she transited.

The participants recognised further that EU Member States are required to oblige carriers which are unable to effect the return of a third-country national themselves, to find other means of onward transportation immediately and to bear the cost thereof. Alternatively, if immediate onward transportation is not possible, carriers shall be obliged to assume responsibility for the costs of the stay and return of the third-country national in question.

3.2. Penalties

The participants agreed that where the carriers do not meet their obligations, sanctions should be imposed on them. However, due to the economic situation in the countries of the region, the amount of the financial penalties currently imposed will remain below the amounts foreseen in the EU Acquis.

The participants acknowledged that other sanctions such as immobilisation, seizure and confiscation of means of transport, or temporary suspension or withdrawal of the operating licence may also be imposed.

4. Illegal employment

The participants acknowledged that where it is possible to work without permission without being detected, this contributes to irregular migration. Therefore, the issue of illegal employment needs to be addressed in order to effectively combat irregular migration.

4.1. Verification of residence and employment status

The participants agreed that the body issuing work permits should also be one of the authorities that are entitled to initiate proceedings against employers and employees involved in illegal employment situations.

State agencies and private entities who have a duty to report on the stay and/or activities of immigrants should collaborate in the effort to reduce illegal employment and irregular migration.

4.2. Penalties

The participants agreed that in situations of illegal employment both the employer and the employee should be liable to sanctions.

5. Measures to combat irregular migration

The participants took note of the efforts of the EU to combat irregular migration at a policy level, in particular with regard to measures concerning visa policy, information exchange and analysis, pre-frontier measures, measures relating to border management, readmission and return policy as well as penalties

5.1. Visa policy

The participants recognised that visa policies can have a preventive impact on irregular migration flows. However, these kinds of decisions will have to be taken at a higher political level.

5.2. Information exchange and analysis

The participants reported that there is regular exchange of information between the countries of the region in an attempt to reduce irregular migration. However, this has not always been an effective way of preventing irregular migration movements.

5.3. Pre-frontier measures and other preventive measures

It was recognised that an important way of preventing irregular migration is the training of consular and diplomatic personnel. This should enable personnel to better distinguish between individuals who have valid reasons to migrate and those who do not.

The participants agreed that the authorities of the countries of the region should inform each other of refusals of entry to foreign nationals within a system that should be similar to and compatible with the Schengen Information System (SIS). Therefore, the computer systems currently being developed in the countries of the region should be compatible with each other and the SIS II so that if there is a future decision at political level to integrate these systems, this will be technically possible.

5.4. Border management

It was recognised that another important way of preventing irregular migration is the training of border personnel and law enforcement officers. The participants agreed that cooperation between neighbouring states does also contribute to better border management.

5.5. Readmission and return policy

The participants referred to the Regional Guidelines on Expulsion, Voluntary Return and Readmission and reiterated that the readmission and return policies of the countries of the region should be enforced effectively also in the interest of fighting irregular migration.

6. Protection of rights

The participants agreed that persons who migrated illegally have to be afforded certain minimum rights in particular the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. This is in accordance with the basic principles contained in the European Convention on Human Rights and Fundamental Freedoms (ECHR). The participants recognised the States' duty to protect persons within their territory and the duty not to expel anybody to a place where he/she may be at risk of treatment contrary to the ECHR.

The participants also took note of Article 16 of the UN Protocol against smuggling of migrants by land, sea and air, supplementing the UN Convention Against Transnational Organised Crime which obliges State Parties to take measures to afford migrants appropriate protection against violence that may be inflicted upon them, whether by individuals or groups, by reason of being the object of 'smuggling'.

The participants agreed that irregular migrants should be afforded the necessary medical care (including psychological assistance).

However, the view was that the balance has to be right between the right of the state to control migration and the obligation to protect human rights.

7. Regularisation of residency status

The participants recognised the issue of 'regularisation' as a highly political matter and were of the view that there is no need for large-scale regularisations in the countries of the region at present.

However, they agreed that national laws should allow for the regularisation of irregular migrants on a case-by-case basis.

8. Links between legal and illegal migration

The participants recognised the link between legal and illegal migration and acknowledged that no matter how many legal immigration channels are introduced, irregular migration will continue and that therefore there will always be a need to fight irregular migration effectively.

9. Cooperation with countries of origin and transit

The participants highlighted that the CARDS Regional Programme has enhanced the cooperation and exchange of information between the countries of the region through the establishment of direct contacts.

Workshop II: Trafficking

All countries in the region signed and ratified the “Palermo Protocol”².

1. Definitions

The definition of trafficking in persons included in the legislation of the countries of the region complies with the Definition in Article 3 of the Palermo Protocol.

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

2. Penalties and sanctions

All the participating countries state that they had introduced trafficking in persons as a criminal offence in their national legislations, in line with the Palermo Protocol.

2.1 Effectiveness, proportionality, dissuasive effect

The participants recognise that the principles of effectiveness, proportionality, dissuasive effect of the penalties and sanctions are included in their national legislations and therefore are also applicable in the case of trafficking in persons.

2.2 Instigation, aiding, abetting, attempt

The instigation, aiding, abetting, attempt of perpetrating a crime is recognised in the national legislations of the participating countries as a criminal offence, and accordingly punishable with appropriate penalties.

² Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Crime

2.3 Definition of activities leading to maximum penalties

The participants recommend that participating countries, which have not yet clearly specified those activities leading to maximum penalties, as included in Article 3.2 of the Council Framework Decision on Combating trafficking in human beings 2002, address this issue in the future.³

2.4 Penalties for legal persons

The participants state that penalties for legal persons are part of their national legislations in general terms. However, they do not have specific provisions regarding penalties for legal persons committing or being involved in the crime of trafficking.

The participants propose to introduce measures regarding seizure and confiscation of the assets used and/or gained from the trafficking crime.

2.5 Investigations independent of the report of accusation by the victim

The participants agree that the investigations of trafficking are initiated and lead on an ex officio basis regardless of the report or accusation by the victim. This is in accordance with Article 7 of the Council Framework Decision on combating trafficking in human beings, which provides that investigations into or prosecution of offences shall not be dependent on the report or accusation made by a person subjected to trafficking.

1. Protections and Assistance to Victims

3.1 General protective measures and assistance to victims of trafficking

The countries fulfil the minimum standards of provision of the protection and assistance to Victims of Trafficking. They further recognize the need of introducing specific provisions in their legislations (for the countries which do not have such dispositions yet) on the following:

- confidentiality,
- basic safety and security,
- provision of information about legal proceedings involving traffickers;
- assistance in making representations in such proceedings (incl. legal aid)
- subsistence
- medical care (including psychological assistance) and social assistance

Furthermore a consensus was reached by the participants on the necessity of practical implementation of the above-mentioned measures.

³ *Each Member State shall take the necessary measures to ensure that (the offence of trafficking) is punishable by terms of imprisonment with a maximum penalty that is not less than 8 years where it has been committed in any of the following circumstances:*

- a) the offence has deliberately or by gross negligence endangered the life of the victim;*
- b) the offence has been committed against a victim who was particularly vulnerable.(...)*
- c) the offence has been committed by use of serious violence or has caused particularly serious harm to the victim*
- d) the offence has been committed within the framework of a criminal organisation (...)*

3.2 Possibility of obtaining compensation for damage suffered (incl. legal aid)

The participants recognise that all the countries have in their legal system general provisions for compensation for damage suffered, although not specifying compensation for damage suffered by victims of trafficking.

The countries in the region recognise the necessity to include in their legislations provisions ensuring the possibility of compensation for damage suffered by victims of trafficking, in accordance with Article 6.6 of the Palermo Protocol.

3.3 Residence permits

The participants made a reference to the Regional Guidelines on Stay and Residence, as follows:

“It is recommended that all countries of the region enter into their national legislations the right for victims of trafficking, who are willing to cooperate with the law enforcement authorities to temporary residence for reasons of protection in accordance with the Acquis.

During the discussion, on the plenary, the countries of the region acknowledged that according to the EU Acquis, the temporary residence permits shall be issued for at least 6 months, to victims of trafficking who will fulfil all conditions set out in the Acquis. This can of course be withdrawn if the conditions for the issuing of permits are not fulfilled anymore.

The length of the reflection period for the victims on the other hand, preceding the issuing of a temporary residence permit is to be regulated by national law.”

3.4 Access to labour market, vocational training and education

The participants state that currently the victims of trafficking who obtained a temporary residence permit do not have access to the labour market, vocational training and education. However they all agree that in the future such provisions should be introduced in their national legislations in order to comply with the Acquis.

4. Minor Victims of Trafficking

The participants point out the special vulnerability of children. International principles and standards regarding children, including the best interest of the child are fully respected.

The participating countries agree on the necessity of inclusion in their legislations of specific provisions regarding minors and unaccompanied minors as stated in Article 10 of the Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are the victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.⁴

⁴ Article 10: *If Member States have recourse to the option provided for in Article 3 (3), the following provisions shall apply:*

- (a) *Member States shall take due account of the **best interest of the child** when applying this Directive. They shall ensure that the procedure is **appropriate to the age and maturity** of the child. In particular, if they consider that it is in the best interest of the child, they may extend the reflection period.*
- (b) *Member States shall ensure that minors have access to the **educational system** under the same conditions as nationals. Member States may stipulate that such access must be limited to the public education system.*
- (c) *In the case of third-country nationals who are **unaccompanied minors**, Member States shall take the necessary steps to **establish their identity, nationality and the fact that they are unaccompanied**. They shall make every effort to **locate their families** as quickly as possible and take the necessary steps*

Furthermore, the participants agree that appropriate assistance should be provided for the families of the victims of trafficking in accordance with the Acquis.

establish their identity, nationality and the fact that they are unaccompanied. They shall make every effort to locate their families as quickly as possible an

5. Return of national victims of trafficking

The participants state that, in practice, their countries facilitate and accept the repatriation of victims of trafficking who are nationals or who had permanent residence permits at the time when trafficking occurred.

6. Prevention and combating of trafficking

6.1 Identification of offenders and trafficked persons

The participants agree that all countries have specific identification procedures for offenders and victims of trafficking. Additional training on this issue shall be performed in future, potentially with EU assistance.

6.2 Training

The participants stress that a lot of training regarding the prevention and combating of trafficking have already taken place in their countries. However, there is an ongoing need for further training of all actors involved in combating trafficking.

The participants agree that their countries should strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons, as stipulated in Article 10 of the Palermo Protocol.

Consensus was reached that special attention should be given to the training of judges, prosecutors, the social services providing assistance to victims of trafficking, as well as NGOs.

6.3 Research, information and mass media campaigns

The countries of the region have already implemented many mass media and information campaigns. This trend should be continued in the future.

6.4 Social and economic initiatives

Some social and economic initiatives have been taken by the countries of the region in order to alleviate the factors that make persons, especially women and children vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity. The impact of these initiatives depends on economic situation of the respective countries.

7. National and International Cooperation

The participants recognise that national cooperation should be intensified between all the actors involved in the prevention and fight against trafficking including lawyers, law enforcement agencies,

immediately to ensure legal representation including representation in legal proceedings, if necessary, in accordance with national law.

judges, prosecutors, NGOs in order to improve information sharing.

Considering the transnational character of this crime, the participants stressed the high importance of international cooperation.

The already existing SECI⁵ and MARRI⁶ centres can be used more extensively as regional bodies for prompt and efficient exchange of information and thus strengthened cooperation between participating countries.

Furthermore, the importance of direct bilateral cooperation through liaison officers was recognized.

⁵ Southeast European Cooperative Initiative Regional Centre for Combating Trans-border Crime, Bucharest.

⁶ Migration, Asylum, Refugees Regional Initiative Centre, Skopje.

Workshop III: Migration Statistics & Data Protection

1. Introduction

Participants acknowledge that an effective asylum and migration management system is built upon a coordinated and comprehensive approach. An essential tool in this regard is the availability and use of well agreed and well defined statistical indicators.

In these Guidelines the word 'statistics' refers to quantitative aggregated information collected and processed by national authorities on the basis of available data.

For the time being, there is little national compilation and exchange of migration statistics and almost a total lack of exchange at regional level. However, participants expressed awareness of the necessity for statistical exchange in the region in order to improve overall efficiency of migration management.

The Guidelines and Recommendations below are formulated on the basis of discussions held at a technical level and do not necessarily represent the political commitment of the countries represented.

2. Collection of Data and Preparation of Migration Statistics

The participants in the region agree that categories of statistics should be defined commonly at regional level to guarantee comparability as well as benefit from a common understanding of the collection of resource data. As a long-term goal, national statistics should be produced on entry of foreigners, on residence permits granted to third country nationals, on asylum, on illegal entry and stay and on returns.

3. Principles for the Formulation of Migration Statistics

The participants confirm that the principles regarding the collection of data should meet the criteria of reliability. The subsequent formulation of migration statistics must meet the criteria of impartiality and objectivity.

4. Data Sources for Statistics

4.1 National network

Participants recognise that different providers and users of migration statistics exist at national level and therefore coordination is required to guarantee coherence in collection of migration statistics and the efficient use of the same.

To guarantee this coordination, the participants acknowledge the need for the establishment of an inter-agency statistical task force or committee formed by focal points from each of the relevant bodies dealing with or linked to migration statistical work.

The mandate of this task force should be agreed upon at national level through terms of reference. These should be reviewed and adapted on a periodical basis for regional relevance and for EU requirements.

4.2 Legal Infrastructure

The participants agree on the need to legally define the type of data to be collected and statistics to be produced in line with EU Acquis requirements. They also agree on the need to define the authority of national task forces to exchange migration statistics at national as well as regional level.

While recognising that there are different national bodies to collect data and/or produce statistics, the participants acknowledge the need to build up administrative and technical capacity of the staff of these bodies.

5. Statistics and Policy Needs at National and International Level

5.1 Annual reports

The participants agree on the potential advantage of creating a regionally harmonised national reporting template for migration flows and statistics in line with EU requirements and standards. This would permit the yearly compilation of a Western Balkan Migration Report.

5.2 Exchange and analysis of data

Representatives of all countries agree upon the necessity of establishing common reporting periods to guarantee comparability of statistics in order to facilitate migration policy development with an eye to regional trends.

While understanding that certain statistics remain of a confidential nature, participants agree on the need to strive for regional transparency at least between the bodies dealing with migration policy formulation.

5.3. Regular consultations and improved cooperation

Countries in the region recognise the need for national coordination of providers and users of statistics, followed by the coordination at regional level. Therefore, participants confirm the necessity to prioritise the requirements and needs with the aim of pursuing an effective migration policy based on reliable migration statistics.

Participants acknowledge that existing best practices should be shared among countries in the region, to guarantee harmonisation and comparability of statistics. Ideally, national task forces should appoint one or two representatives to meet at regular regional consultations dealing with migration policy and statistics.

5.4 Transmission of data

All countries recognise the need for regional data sharing also in preparation for a linkage to SIS and EURODAC.

6. Infrastructure and Equipment

6.1 Short-term goals

Participants recognise the short-term goal as the creation of national migration statistics task forces comprised of focal points from all national bodies dealing with migration data collection, policy and statistics. This national step should be followed by the organisation of regular consultation meetings at regional level.

6.2 Medium-term goals

Participants recognise the medium-term goal as the introduction of a regional reporting template to be done between the countries themselves, the European Commission and other relevant organisations. The template should reflect data requirements of the EU Council as already provided by EU Member States in considering regional specificities. An ideal outcome would be a yearly Western Balkan Migration Report supported by reliable and objective statistics.

6.3 Long-term goals

The participants emphasised the long-term goal as the creation of national migration information systems, which will be a comprehensive and coherent electronically based system for data processing facilitating case management as well as overall migration management. These IT systems will have the added value of being able to quickly produce reliable statistics on all migration data entered into the systems. The regional harmonisation of these migration information systems would therefore guarantee in parallel also the harmonisation and comparability of migration statistics.

Funding for all of the above mentioned activities and goals must be actively pursued, possibly through regional projects.

7. Data Protection

7.1 Fundamental requirements

Data should be collected for specified, explicit and legitimate purposes in an accurate way and must be kept up to date in line with EC Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

Within the harmonisation process with European standards in the region, the State Union of Serbia and Montenegro and the Republic of Macedonia are highly recommended to sign and ratify the Council of Europe Convention No. 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data.

All countries in the region agree also to pay attention to Article 8 of the EU Charter on Fundamental Rights and Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) in the context of protection of personal data.

7.2 Right of access to information on data

The participants agree that over-restricted access to information on data and statistics should be avoided as it defeats the purpose of creating statistics in the first place. Confidential handling of data should always have a concrete basis and should not be restricted in access merely on the assumption that data must be secret.

7.3 Supervisory authorities

Data protection in all countries of the region should benefit from the establishment of a national independent supervisory authority in order to ensure the correct implementation of relevant legislation relating to migration data protection.

Both the rights of authorities and individuals to handle and / or modify data should be supervised and guaranteed.

7.4 Sensitive data

Participants agree that data related to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health or sex life should be treated as sensitive data in terms of EC Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data and Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

In this context, participants recognise the exception to this rule to be followed for data relating to offences, criminal convictions or security measures where the processing of data is carried out under the control of an official authority.