



EUROPEAN COMMISSION

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C(2016) 5215 final*

*Dear President,*

*The Commission would like to thank the Sénat for its Opinion on the reform of the Schengen area and the refugee crisis.*

*In 2015, 1,822,337 irregular border crossings were detected in the EU. The unprecedented scale of this massive influx of migrants followed by the secondary movements within the EU that it has triggered have clearly demonstrated that the rules and mechanisms we currently have at our disposal are not sufficient to deal with the challenges posed by the refugee crisis. The number of irregular border crossings remains high – in the period January - April 2016, it reached 299,776.*

*Since the beginning of the refugee crisis, the Commission has adopted a comprehensive approach encompassing a broad spectrum of measures as identified in the European Agenda on Migration {COM(2015) 240 final}. An essential element of this far-reaching approach is the Border package adopted on 15 December 2015 and containing a series of ambitious and comprehensive measures designed to better manage migration and to improve internal security of the European Union while safeguarding the free movement of persons in the Schengen area in the context of the on-going refugee crisis. In the Communication of 4 March 2016 'Back to Schengen' {COM(2016) 120 final} the Commission made it clear that the lifting of the border controls as temporarily reintroduced at some internal borders as soon as possible is one of the main priorities. The Commission shares the Sénat's assessment of the factors which led to the current situation and calls for a comprehensive and coordinated EU-wide approach to the refugee crisis.*

*The Commission is pleased that the Sénat supports the Proposal for a Regulation of the European Parliament and of the Council amending Regulation No 562/2006 (EC) as regards the reinforcement of checks against relevant databases at external borders {COM(2015) 670 final} as well as the Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC {COM(2015) 671 final}.*

*Mr Gérard LARCHER  
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*The European Parliament, Council and Commission reached an agreement on 21 June 2016 on the Commission's proposal on a [European Border and Coast Guard](#), paving the way for the reinforced Agency to be up and running this summer. The European Border and Coast Guard will combine a new reinforced Agency, building on the foundations laid by Frontex, with the ability to draw on a reserve pool of personnel and equipment. Member States will continue to keep their competence and sovereignty over their borders. They will continue the day to day management of the external border. But crucially, the European Border and Coast Guard will provide support to all Member States and be able to identify and intervene to address weaknesses in advance, and not once it is too late.*

*As regards giving Frontex access to the Schengen Information System (SIS), legally, such a possibility could be envisaged by the legal basis of the SIS, which is currently undergoing evaluation.*

*As regards the comments on the right to asylum, the Commission has outlined in detail in its Communication on the 6 April 2016 {COM(2016) 197} what necessary reforms of the Common European Asylum System it envisages. In light of the feedback to this Communication, the Commission came forward already on 4 May 2016 with a first package of legislative proposals, including a reform the Dublin system. However in addition to determining the responsible Member States, it is also necessary for the system to ensure that a given asylum application will be decided on in the same way and that the asylum applicant will have the same chances to be recognised, will get the same status and will have the same rights across Europe. Additional rules are equally needed to prevent secondary movements as well as ensure that there is sufficient infrastructure, including reception conditions, to implement all these changes. Therefore, alongside the recast of the Dublin Regulation and the other proposals of 4 May concerning Eurodac and the European Asylum Support Office, a second package of legislative proposals reforming the EU Directives pertaining to asylum was proposed on 13 July 2016.*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Sénat in its Opinion and is looking forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Věra Jourová*

*Member of the Commission*