



EUROPEAN COMMISSION

Brussels, 22.03.2012
C/2012/1839 final

Dear President,

The Commission would like to thank the Senate of the Parliament of the Czech Republic for its Opinion on the Commission's Communication on Migration {COM(2011) 248 final} and takes good note of the comments expressed therein. The Commission would like to offer the following observations on the points raised in the opinion, whilst apologising for the undue delay in the response.

Regarding the opinion expressed by the Czech Senate on the need to formulate new measures from a long-term perspective, the Commission is looking at how to respond to long term demographic changes and labour and skills shortages, and the role that migration might play in this regard.

In terms of the legal measures, the Commission is continually evaluating the existing legal migration framework. It presented reports on the Long-term residents Directive (2003/109/EC) and on the Directive on students, pupils, unremunerated trainees and volunteers (2004/114/EC) on 28 September 2011. A report on the Researchers' Directive (2005/71/EC) was presented at the end of 2011. Following these reports, the Commission may submit legislative proposals to amend the Directives in question if this is necessary to achieve the objectives of the instruments and improve their functioning.

The Commission's proposals, which are currently under negotiation (seasonal workers and intra corporate transferees (ICTs) are further building blocks of a well-organised and flexible migration policy which will ensure adequate level of rights of third-country nationals and strengthen our economy by responding to the increased demand for people with such skills and professional profile in the EU labour market. The Blue Card Directive is also important in this respect and the Commission calls on the Member States to ensure its full application in practice.

Concerning the point raised by the Czech Senate on the protection of the external borders and the strengthening of FRONTEX, the Commission points out that, at the debate in the European Parliament on the adoption of the draft regulation amending the Frontex Regulation, the Commission undertook to launch a study on the feasibility of the creation of a European System of border guards within one year of the adoption of the Regulation. Such a study is in line with the Stockholm programme, which invited the Commission to study the creation of a European System of Border Guards.

Mr Milan ŠTĚCH

President of the Senate of the Parliament of the Czech Republic

Valdštejnské náměstí 17/4

CZ – 118 01

PRAGUE 1

The Commission agrees with the statement by the Czech Senate concerning the rules of the Schengen system. The proposals adopted by the Commission on 16 September 2011 do not alter the substantive grounds for reintroducing internal border controls on a temporary basis in the current acquis, namely that such a measure must be necessary in order to mitigate a serious threat to public policy or internal security. The proposals do not provide for the inclusion of any additional grounds.

Finally, as far as the reintroduction of controls on internal borders is concerned, the Commission agrees with the statement by the Czech Senate that the eventual reintroduction should be decided in a coordinated manner at EU level. The proposals adopted by the Commission on 16 September 2011 include a proposed amendment to the Schengen Borders Code which provides for an EU-based mechanism for the reintroduction of internal border controls. It provides that such a reintroduction can normally only take place through Commission decisions taken as an implementing act in accordance with Article 291 of the Treaty on the Functioning of the European Union, except where urgency dictates that immediate action is required, in which case a Member State may do so unilaterally, but for no more than five days. This would represent a change from the current situation, whereby a reintroduction of internal border controls is only possible on the basis of a unilateral national decision. In all cases, the reintroduction of internal border controls would be temporary, limited in scope to what is necessary, and is a last resort if alternative measures have first been explored, and only if the reintroduction of controls is necessary to mitigate a serious threat to public policy or internal security at the EU or national level.

This strengthened evaluation mechanism proposed by the Commission is for an EU-based system, which in the first instance provides for practical support measures from EU agencies to a Member State, and for the possibility – as a last resort in exceptional circumstances – to temporarily reintroduce some internal border controls until the deficiencies can be effectively remedied.

I hope that these clarifications address the main issues raised in your Opinion, and look forward to further continuing our political dialogue.

Yours faithfully,

*Maroš Šefčovič
Vice-President*