



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
10TH TERM

336th

RESOLUTION OF THE SENATE

Delivered on the 19th session held on 2nd March 2016

**on 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
(Senate Print No. N 067/10)**

The Senate

I.

1. Supports

in accord with the Government in general the submitted proposal for a regulation as it should contribute to strengthening the protection of the external borders of the EU, effective implementation of common rules and better identification and registration of incoming persons, which are key measures necessary to deal with the current migration crisis and its consequences, particularly security risks;

2. Appreciates,

that the proposal strengthens the powers and extends the tasks of the European Border and Coast Guard Agency mostly in such a way to enable the Agency to better assist the Member States and to effectively carry out its coordination, training and support roles, including technical and analytical services, because the Senate has been supporting such a role for the Agency for a long time in its Resolutions (e.g. 543th Resolution of 9th legislative term of 19 June 2014 on the Communication from the Commission An open and secure Europe and 633th Resolution of 23 October 2014 on the Communication from the Commission on EU return policy);

II.

1. Points out

that under the current law a consent of the state in whose territory the operation will be carried out is required for the possible deployment of joint units in the framework of Frontex and that the submitted proposal does not contain clear rules in case a Member State would not be willing to cooperate or would reject the deployment of joint units on its territory or make it otherwise impossible;

2. Is of the opinion

that this needs to be clarified in Article 18 of the proposal for a regulation, which is vague in the submitted wording and can be interpreted in a way that would be contrary to the provisions of the primary law of the EU as well as the international law; at the same time the Senate is convinced that such a politically serious measure cannot be decided by the Commission and must be left to the agreement in the Council of the EU;

3. Considers

it disproportionate and questionable with regard to Article 4(2) TEU that in case of an action under Article 18 of the proposal for a regulation the Member States will not be able to refuse to provide members of their forces for joint operations, not even in case of the need to deal with an emergency situation in their territory;

4. Points out

that the proposed minimum number of border guards of the Member States who would be involved in joint operations of the European Border and Coast Guard Agency appears to be insufficient in comparison with the number of incoming migrants and therefore in this respect the cooperation of the host country which is facing disproportionate migratory pressure will be crucial;

5. States

that the task of the units operating under the European Border and Coast Guard Agency will be primarily to assist with the identification and registration of persons who illegally cross the border of the Schengen area, and not a self-reliant and complete prevention of illegal crossing of the border by extraordinarily large number of people;

6. Is therefore concerned

that the proposed measures may not be really effective in terms of reducing migration pressures and at the same time may lead to Member States shifting the responsibility for protecting their borders to the Agency;

7. Considers it important

that the Agency continuously hands over the information relevant with respect to the national security and the fight against organized crime gathered during joint operations to all Member States;

8. Agrees with the Government

that it is also necessary to set up concrete measures to encourage countries of origin and safe transit countries to accept returnees, and to subordinate the European Border and Coast Guard Agency to the Schengen evaluation mechanism as its planning activities will significantly affect the implementation of the Schengen rules by the Member States;

III.

1. Requests

the Government to inform the Senate about the way this Resolution has been taken into account, as well as about the progress of negotiations and initiatives following-up on these documents;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Karel Kratochvíle
sign manual
Senate Verifier