



EUROPEAN COMMISSION

*Brussels, 21.3.2018
C(2018) 1544 final*

Dear President,

The Commission would like to thank the Senát for its Opinion on the proposal for a Regulation of the European Parliament and of the Council as regards the rules applicable to the temporary reintroduction of border control at internal borders {COM(2017) 571 final}.

The proposal intends to strike a balance between the legitimate expectations of Member States related to internal security and the rights of European Union citizens, and those of neighbouring Member States which are particularly affected by such reintroduction or prolongation of border controls at internal borders.

The proposal contains a number of procedural safeguards to ensure that border controls are reintroduced only as a measure of last resort, following a proper analysis of alternative measures, and that the voice of other Member States is heard in the process. This includes a proposal to involve the Council in case of border controls exceeding one year, thus providing for institutional supervision over decisions that have an impact on the fundamental freedoms enshrined in the Treaties.

The Commission welcomes the Senát's Opinion and takes seriously the concerns expressed therein. The Commission believes that the inclusion of new procedural safeguards in this proposal will make Schengen more resilient to future challenges. At the same time this will reinforce the Schengen area by ensuring that controls at internal borders are reintroduced only exceptionally, following a proper risk assessment and carried out only to the necessary and proportionate extent. In particular, the involvement of the relevant European Union Agencies having an expertise in phenomena potentially leading to internal security threats and in public policy, namely Europol and European Borders and Coast Guard Agency, is necessary to guarantee the quality of such risk assessment. The Commission also believes that such role for these two Agencies is fully justified by their respective mandates.

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Discussions between the Commission and the co-legislators concerning the proposal are now underway and the Commission remains hopeful that an agreement will be reached in the near future.

The Commission hopes that the clarifications provided in this reply address the Senát's concerns and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*