



EUROPEAN COMMISSION

*Brussels, 21.3.2019
C(2019) 2181 final*

*Mr Jaroslav KUBERA
President of the Senát
Valdštejnské náměstí 17/4
CZ – 118 01 PRAGUE 1*

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 on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council. A contribution from the European Commission to the Leaders' meeting in Salzburg on 19-20 September 2018 {COM(2018) 631 final}, the Amended proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010. A contribution from the European Commission to the Leaders' meeting in Salzburg on 19-20 September 2018 {COM(2018) 633 final} and the proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals (recast). A contribution from the European Commission to the Leaders' meeting in Salzburg on 19-20 September 2018 {COM(2018) 634 final}.

The Commission is pleased that the Senát confirms the need to strengthen the support and coordination role of the European Border and Coast Guard. This proposal forms part of a broad package of ambitious measures designed to effectively and efficiently address migratory challenges in the European Union. It follows the guidelines by the European Council of June 2018 on the need to achieve a more effective control of the EU's external borders by strengthening the European Border and Coast Guard and providing it with 'increased resources and an enhanced mandate'.¹

The Commission would like to reassure the Senát that this proposal respects the national capacities of the Member States to carry out border control and return-related tasks. The proposed contributions per Member State reflect the distribution mechanism currently in place for the Rapid Reaction Pool that all Member States have agreed upon. Moreover, the new Category 1 staff, i.e. personnel of the Agency, proposed as a key element of the

¹ European Council meeting (28 June 2018) – Conclusions
<https://www.consilium.europa.eu/media/35936/28-euco-final-conclusions-en.pdf>

European Border and Coast Guard standing corps, once established, would aim to alleviate the burden on the national border management systems.

With respect to the amended proposal for a Regulation on the European Union Agency for Asylum, the Commission is pleased that the Senát is in agreement with the strengthening of the support and coordination role of the European Border and Coast Guard Agency and of the European Union Agency for Asylum. This proposal comprises targeted amendments to the provisional agreement found by the co-legislators in June 2017 on the proposal for a Regulation on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, which the Commission presented on 4 May 2016.²

The targeted amendments focus, inter alia, on the provisions on operational and technical assistance to ensure that, at the request of the Member State, the Agency can provide Member States with support in the entire administrative procedure of international protection, or parts thereof. The said proposal emphasises that the assistance to be rendered by the European Union Asylum Agency in the preparation of decisions on applications for international protection are to be provided to the competent national authorities, who would be responsible for taking decisions on individual applications. Therefore, such assistance to be provided by the European Union Asylum Agency is without prejudice to the competence of the Member States to take decisions on individual applications.

The proposal on the recast of the Directive on common standards and procedures in Member States for returning illegally staying third-country nationals is also part of the package of ambitious measures designed to better protect Europe's external borders and to ensure the right balance between solidarity and responsibility on asylum and migration. It builds upon a comprehensive array of measures aimed at improving the effectiveness of the European system for the return of irregular migrants, notably those set by the 2015 and 2017 Action Plans on Return³, which translate the objectives of the European Agenda on Migration⁴ into concrete measures. In this respect, the Commission is pleased that the Senát acknowledges the efforts made in the last years for strengthening the Union's return policy and legal framework.

The Commission expects that this proposal will improve significantly the consistency and effectiveness of the European Union's return policy and will continue to ensure high standards for the protection of the rights of irregular migrants who have no right to remain in the European Union.

The Commission is pleased that the Senát shares the view that action is required at Union level in order to best achieve the objectives of these proposals. Discussions between the Commission and the co-legislators, the European Parliament and the

² COM(2016) 271 final.

³ COM(2015) 453 final and COM(2017) 200 final.

⁴ COM(2015) 240 final.

Council, concerning the three proposals are now underway and the Commission remains hopeful that an agreement will be reached as soon as possible.

The Commission looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*