



EUROPEAN COMMISSION

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C(2022) 4381 final

*Miloš VYSTRČIL*  
*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 amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders {COM(2021) 891 final} and the proposal for a Regulation of the European Parliament and of the Council addressing situations of instrumentalisation in the field of migration and asylum {COM(2021) 890 final}.*

*The Commission welcomes the opinion of the Senát and would like to assure that it remains committed to progress in the fight against irregular migration and migrant smuggling as major priorities in the field of the European Union asylum and migration policy.*

*As regards the instrumentalisation of migration, the Commission agrees that the views of the Member States impacted by such situations must be fully taken into account, starting from the legislative process. To address the instrumentalisation of migrants by Belarus for political purposes, the Commission proposed emergency provisional measures for the benefit of Latvia, Lithuania and Poland<sup>1</sup>. The proposal for a Regulation addressing the instrumentalisation in the field of migration and asylum has the objective to provide a permanent framework that would allow tackling the instrumentalisation of migrants, were such a situation to arise again in the future, with an appropriate response in line with European Union law and international obligations.*

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<sup>1</sup> COM(2021) 752 final

*As regards the measures proposed in the amendment of the Schengen Borders Code concerning the situation at internal borders, the Commission shares the view that the operational police controls carried out in border areas must be carried out in a proportionate manner, in order not to become border controls in disguise or have a disproportionate impact on cross-border movements. In its proposal, the Commission streamlined the existing provisions and recalled the existing safeguards resulting from the case-law of the Court of Justice of the European Union<sup>2</sup>.*

*The Commission hopes that these comments address the concerns raised by the Senát and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

*Ylva Johansson  
Member of the Commission*

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<sup>2</sup> See modified Article 23 and 24, Recitals 17, 18, 21 and 24.