



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Assemblée nationale 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 Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC {COM(2015) 671 final}.

Since the beginning of the migratory crisis, the Commission has adopted a broad spectrum of measures aimed at addressing this exceptional situation as identified in the European Agenda on Migration {COM(2015) 240 final}. An essential element of this far-reaching approach is the Border package adopted on 15 December 2015 which contains a series of measures designed to better manage migration and to improve the internal security of the European Union, while safeguarding the free movement of persons in the Schengen area in the context of the ongoing migratory crisis.

The Commission is pleased that the Assemblée nationale supports the Proposal for a European Border and Coast Guard and its speedy adoption. The Commission is pleased to inform the Assemblée nationale that following the political agreement reached at the trilogue level on 21 June, the Regulation was adopted on 14 September and entered into force on 6 October 2016.

The Commission thanks the Assemblée nationale for its favourable opinion on the major novelties that the new Regulation introduces, such as putting in place a European Border and Coast Guard and a genuine European integrated Border management. The Commission also appreciates that the Assemblée nationale welcomes the enhanced risk analyses to be carried out by the Agency, the deployment of Liaison Officers in the Member States, the stronger guarantees for fundamental rights, and last but not least, the possibility for the Agency to intervene in a Member State on the basis of a Council decision in cases when an urgent action is needed.

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As regards the strengthened role of the Agency in cooperation with third countries, the Commission would like to point out that the Agency will now be able to coordinate the operational cooperation between one or more Member States, on the one hand, and a third country, on the other.

This cooperation will take place on the basis of an operational plan that requires the agreement of the participating Member States and the third country concerned as well as the Member State(s) neighbouring the operational area, even if the latter opts not to participate in the action of the Agency, as indicated in Article 54(3) of the Regulation.

Another important novelty introduced by the Regulation is the possibility for the Agency to carry out operational activities in the territory of a neighbouring third country with the prior agreement of that third country. This cooperation will be based on an international agreement concluded by the EU and the third country in question, as indicated in Article 54(4). Such an international agreement will be based on a model status agreement that shall be drawn up by the Commission pursuant to Article 54(5). The Commission is already working on this model.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Assemblée nationale and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*