

Brussels, 29/10/2010
C/2010/7259

Dear President,

The Commission would like to thank the Italian Chamber of Deputies for its opinion on the Commission proposal for a Regulation of the European Parliament and the Council amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of operational cooperation at the external borders of the Member States of the European Union (Frontex) – {COM (2010) 61 final}.

The Commission welcomes the broad support by the Italian Chamber for its aforementioned proposal and, in particular, shares the view that when building upon the Frontex Joint Support Teams further consideration should be given to the possibility to establish a system of European border guards as referred to in the Stockholm program. As announced in the Action Plan implementing the program, the Commission will present a Communication on this issue in 2014.

The opinion of the Italian Chamber of Deputies contains a certain number of remarks on the management of intercepted and rescued irregular migrants, on the establishment and the management of European centres for the identification and deportation of irregular migrants and on the creation of a European system to manage asylum requests.

The Commission would like to recall in this context that the mandate and the tasks of the Frontex Agency do not allow such activities. The role of the Agency is primarily to offer coordination of the operations conducted by the Member States at the external borders of the Member States of the European Union, the definition of external borders being the land and sea borders of the Member States and their airports and seaports, to which the provisions of Community law (i.e. the Schengen Borders Code) on the crossing of external borders by persons apply. Furthermore the legal framework applicable to the Frontex Agency does not contain provisions regarding the management of asylum requests. However the Commission is confident that the recently created Asylum Support Office in Malta will be able to provide the necessary support to Member States in this regard. Moreover, Member States can also receive support for some of the issues raised in the opinion through the European Return Fund and the European Refugee Fund.

*Mr Gianfranco Fini
President of the Chamber of Deputies
Piazza Montecitorio
I-00100 Rome
Italy*

Finally the opinion of the Italian Chamber of Deputies suggests the inclusion of financial and technical support by the Agency for the bilateral and multilateral cooperation of Member States with third countries. The proposal of the Commission addresses this concern in the revised Article 14 on the facilitation of operational cooperation with third countries and cooperation with competent authorities of third countries. It foresees amongst other the deployment of Frontex liaison officers, the financing of technical assistance projects in third countries and the possibility to include provisions regarding the role of the Agency in the bilateral agreements of Member States with third countries. These measures should be carried out in close coordination with the Member States and complement their cooperation with third countries. It is important to note in this context that the financial resources of the Agency are limited and that the annual working programme of the Agency adopted by the Management Board sets the priorities for the cooperation with third countries, including the allocation of the financial means.

I look forward to continuing our exchange of views.

Yours faithfully,

/-/ Maroš Šefčovič