

Brussels, 13/10/2010
C/2010/7094

Dear President,

The Commission welcomes the opinion issued by the Italian Senate concerning 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 takes note of the fact that the opinion of the Italian Senate expresses general support to enhance the operational capabilities of the Frontex Agency through a revision of its legal framework.

The opinion also calls for the inclusion of Article 77(2)(d) of the TFEU as a legal basis. On this issue, the Commission is of the opinion that a specific reference to Article 77(2)(d) is not absolutely necessary since the provisions that are part of the proposal to amend the Frontex Regulation are sufficient, and in a similar manner addressed by Article 77(1)(b) and (c).

The Commission would like to clarify that the Commission proposal amends Council Regulation (EC) No 2007/2004 establishing the Frontex Agency, amended in 2007 by Regulation (EC) No 863/2007 of the European Parliament and of the Council establishing a mechanism for the creation of Rapid Border Intervention Teams, which were based on the equivalent provisions of the Treaty establishing the European Community, namely, Articles 62(2)(a) and 66.

Article 74 provides that the Council shall adopt measures to ensure administrative cooperation between the relevant departments of the Member States in the areas covered by this Title, as well as between those departments and the Commission.

Article 77(1)(b) and (c) empowers the Union to develop a policy with a view to carrying out checks on persons and efficient monitoring of the crossing of external borders, and the gradual introduction of an integrated management system for external borders.

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Proposals based on Articles 74 and 77(1)(b) and (c) of the Treaty on the Functioning of the European Union (TFEU) are to be adopted according to the ordinary legislative procedure (co-decision with the European Parliament) since the entry into force of the Lisbon Treaty.

The Commission hopes that these explanations satisfy the expectations of the Italian Senate as expressed in its opinion.

Yours faithfully,

/-/ Maroš Šefčovič