



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Italian Senate for its opinion concerning the Commission's proposal regarding the establishment of an evaluation mechanism to verify application of the Schengen acquis {COM(2010) 624 final}. Allow me to start by apologising for the delay in replying to your opinion.

However, as the subject matter is still of the highest relevance, I would like to provide the following elements in response to specific issues raised.

With respect to the Commission's proposal for a new Schengen evaluation and monitoring mechanism, the need for enhanced information and democratic scrutiny, especially on the results of the evaluations, is underlined. Indeed, the Commission shares the view that more transparency is needed in this respect. Therefore, the proposal foresees that the European Parliament shall be informed if an on-site visit reveals a serious deficiency deemed to have a significant impact on the overall level of security of one or more Member States (Article 13 para 7) and of the recommendations for remedial actions addressed to a Member State (Article 17). Also, the European Parliament and the Council shall receive a yearly report on the evaluations carried out. This report shall be made public and include information on the evaluations carried out during the previous year, the conclusions drawn from each evaluation and the state of play with regard to remedial action (Article 18).

The opinion also calls for a substantial increase in unannounced visits compared to announced visits. This is also the Commission position. In this respect, we would like to draw your attention to the financial statement in the proposal, which foresees five unannounced visits for the first year and ten unannounced visits for the subsequent years.

Finally, as you will be aware, the European Council of 23-24 June 2011 underlined the need to further improve and deepen the Schengen evaluation. In this context, it invited the Commission to submit a proposal for a safeguard mechanism in September 2011, in order to respond to exceptional circumstances putting the overall functioning of Schengen cooperation at risk, without jeopardising the principle of the free movement of persons. The Commission proposal was duly adopted on 16 September based on an Article 77 legal basis which fully involves the European Parliament.

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Concerning the issues mentioned in relation to the Frontex Agency, the Commission would like to underline that the financial and human resources allocated to Frontex are part of the annual EU budgetary procedure and decided by the budgetary authorities.

The Agency's budget for 2011 is 86.4 Mio EUR out of which 54.5 Mio EUR are allocated to operational activities. Furthermore, in accordance with the European Council Conclusions of 24 March 2011, in order to address the migratory pressure across the Mediterranean, the Commission has already made additional resources available in support to the Agency's operations, whereas Member States have been invited to provide further human and technical resources.

The establishment of the specialised branches of the Agency is already part of the current legal framework of the Agency (Article 16 of Regulation (EC) Nr. 2007/2004) and is to be decided by the Management Board of the Agency.

With respect to evaluation of policies in the area of home affairs and Article 70 of the TFEU specifically, the Commission is currently exploring the modalities for the application of this article and to identify the priority areas in which such mechanisms should be applied. To that end, both Article 70 and the guidelines given in the Stockholm programme are points of reference, indicating that these evaluation mechanisms should facilitate full application of the principle of mutual recognition as a priority. The Stockholm programme gives further indication that "judicial cooperation in criminal matters should be pursued as the first policy for evaluation", and that other policies will have to follow.

I hope that these clarifications answer the concerns expressed by the Senate and I am looking forward to continuing our political dialogue on this and other issues of interest to the European citizen.

Yours faithfully,

*/-/ Maroš Šefčovič
Vice-President*