



EUROPEAN COMMISSION

Brussels, 27.3.2012  
C/2012/ 1841 final

Dear President,

*The Commission would like to thank the Italian Chamber of Deputies for its opinion concerning the Commission's proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement {COM(2011) 118 final}.*

*The Commission has taken note of this Opinion with great interest and welcomes the fact that the Italian Chamber of Deputies agrees with the Commission on the overall substance and political orientations of the proposal. I apologise for the undue delay of this reply.*

*The Commission would like to provide the following elements in response to three specific issues raised:*

*As far as the provisions related to the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union are concerned, the Commission proposal follows standard wording agreed in the Common Understanding of the European Parliament, the Council and the European Commission setting out a working method among the institutions on the implementation of Article 290. Given the limited and technical nature of the proposed amendment to the Schengen Borders Code (SBC), the wording of Articles 12(5) and 32 SBC in relation to the fields covered by this delegation was not touched. The Commission considers that the proposed delegation of power for an indeterminate period of time, accompanied by the express possibility for the European Parliament or for the Council to revoke this delegation at any time, is in full consistency with Article 290 of the Treaty on the Functioning of the European Union.*

*Onorevole Gianfranco FINI  
Presidente  
Camera dei Deputati  
Piazza Montecitorio  
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*The Commission does not consider that the proposed repeal of Article 22 of the Schengen Implementing Convention (reporting obligation for legally staying third-country nationals entering other Member States) may negatively impact the fight against irregular migration. Practical difficulties in verifying compliance with this general reporting obligation have been broadly acknowledged and no convincing cost/benefit argument could be made to show that this rule has a significant impact on identifying irregularly staying immigrants. The proposed amendment does not affect the right of Member States to provide for targeted checks to fight irregular immigration in their territory within the limits set out in Article 21, points a to c SBC.*

*The Commission fully endorses the view expressed in the Chamber of Deputies' opinion that the development of an integrated EU border management must be based on the principle of solidarity and that it must take into special account the situation of those Member States which are particularly exposed to migratory pressure. In its recent Communication "Schengen governance - strengthening the area without internal border control" (COM 2011(561) of 16.9.2011) and the two accompanying legislative proposals, the Commission has set out a concrete frame for strengthening Schengen and delivering solidarity in a holistic manner. A legislative proposal for setting up a European Border Surveillance System (EUROSUR) has been adopted on 12 December 2011 and will further contribute to complete the integrated border management strategy of the EU.*

*I am looking forward to further developing our political dialogue.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*