

Proposal for a Regulation of the European Parliament and of the Council establishing the European Border Surveillance System (EUROSUR) COM(2011)873 final.

FINAL DOCUMENT APPROVED

The Constitutional, Presidency of the Council of Ministers and Interior Affairs Committee of the Italian Chamber of Deputies,

Having examined the Proposal for a Regulation of the European Parliament and of the Council establishing the European Border Surveillance System (EUROSUR) COM(2011)873 final, pursuant to article 127 of the Rules of Procedure;

Bearing in mind the opinion expressed by the EU Policies Committee;

Whereas:

The EUROSUR project in which Italy has participated since the initial experimental phases is designed to improve knowledge of the state of the EU external borders and the capacity of the competent authorities of the Member States to react to situations of danger or threats to EU security;

This goal is becoming increasingly important considering the frequency of attempted irregular crossings of the external borders of the European Union, most of which occur on the external borders of Italy, Spain, Greece and Malta, and in view of the alarming figures on loss of life at sea;

The situation is all the more serious due to the fact that the criminal networks involved in encouraging illegal immigration are frequently involved in trafficking in human beings, drugs, nuclear materials and supporting terrorist groups;

On many occasions Italy, together with other countries particularly exposed to migration pressure, has recommended stepping up cooperation between the Member States and the European institutions in the management of external borders, emphasising the need for a comprehensive implementation of article 80 of the Treaty on the Functioning of the European Union, which gives the Member States a shared responsibility, on the basis of effective solidarity with the countries most exposed to the phenomenon of irregular immigration and of fair burden-sharing, including the financial burden, resulting therefrom;

In this framework, the EUROSUR system should enable the authorities of the Member States responsible for border control and FRONTEX to improve the sharing of information in order to combat irregular immigration and cross-border crime and to protect the safety of the immigrants by a better, prompt and cost-effective use of existing measures for intercepting them;

And whereas

Article 5 of the proposal identifies the tasks of the national coordination centres for border surveillance, requiring them to ensure a timely information exchange and cooperation between all the national authorities responsible for controlling the external borders and the relevant enforcement authorities at the national level, with the other national coordination centres and FRONTEX, and contribute to the effective and efficient management of resources and personnel;

Article 12 provides that FRONTEX shall facilitate the common application of surveillance tools, such as satellites and ship reporting systems, by Member States, notwithstanding that

the Agency may refuse - under paragraph 4 - a request from a national centre on the basis of technical and financial limitations as well as for other justified reasons.

Expresses a favourable opinion on the proposals for a Regulation,

with the following qualifications:

(a) the National Immigration Coordination Centre established at the Central Directorate for Immigration and Border Police at the Ministry of the Interior is in a position to perform the functions which the proposal entrusts to the national coordination centres for the surveillance of the borders and that, and at all events, the functions can be performed within the limits of the human, material and financial resources already available, including those that will be provided by the European institutions, within the meaning of the proposal;

(b) it is made clear that the provisions of article 5, which refer to the effective and efficient management of resources and personnel must be construed to mean that these are the resources of the national centre, but not to include any resources of the police forces engaged in controlling the borders;

(c) it is made clear, with reference to article 12, the wording of which would appear to leave it to the discretion of FRONTEX whether to provide or to refuse information to the Member States, that this power may not be exercised in such a way that it jeopardises the overall effectiveness of the system it is intended to put into place, whenever information is available to the agency which could prove crucial for underpinning the Member State's capacity to react, also in consideration of the fact that FRONTEX operates using facilities made available to it by the Member States.