



EUROPEAN COMMISSION

Brussels, 25.9.2017
C(2017) 6086 final

Dear President,

The Commission would like to thank the Senato della Repubblica for its Opinions on the Proposal for a Regulation on the use of the Schengen Information System for the return of illegally staying third-country nationals {COM(2016) 881 final}, the Proposal for a Regulation on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006 {COM 2016} 882 final} and the Proposal for a Regulation on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU {COM (2016) 883 final}

These proposals work together and form part of a broader package of ambitious measures designed to improve European security by strengthening our borders, and tackling the growing challenges of both terrorism and migration.

The proposals make technical and operational improvements to the Schengen Information System, the largest information sharing tool in Europe. In 2016, the system was evaluated and deemed to be a significant operational success, supporting information exchange on criminal matters and border check issues between law enforcement officials and border guards in 29 countries. Notwithstanding this success, the evaluation found a number of areas where improvements could be made, including on improving operational effectiveness and efficiency in cooperation on criminal matters and enhancing the effective implementation of entry bans and return decisions. These proposals seek to address those issues by improving harmonisation and cooperation among the countries that use the system.

The Commission is pleased that the Senato della Repubblica shares the view that action at European Union level as envisaged in the proposal is required to ensure effective information exchange through the Schengen Information System, especially in light of the transnational nature of the challenges it seeks to tackle.

*Mr Pietro GRASSO
President of the Senato della Repubblica
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The Commission notes the comment of the Senato della Repubblica on the Proposal for a Regulation on the establishment, operation and use of the Schengen Information System in the field of police cooperation and judicial cooperation in criminal matters, namely that a more precise definition of the restriction of personal freedoms would be advisable in the context of the proposed 'inquiry check'. The Commission shares the view of the Senato della Repubblica that a clear definition of an inquiry check is helpful, and any restriction on personal freedoms must be in accordance with national law in the Member States. Article 37(4) of the Proposal underlines this, making it clear that, if inquiry checks are not authorised by national law, they must be replaced with discreet checks.

The Commission also notes the comments of the Senato della Repubblica on the Proposal for a Regulation on the use of the Schengen Information System for the return of illegally staying third-country nationals. The Commission agrees with the Senato della Repubblica that account should be taken of Commission Recommendation (EU) 2017/432 with regard to improving the effectiveness of returns and recognises the importance of solidarity with countries of first entry, such as Italy, with regard to migrant entry and relocation.

The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council in which the Italian government is represented.

The Opinions of the Senato della Repubblica have been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.

The Commission looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*