

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) *I**

European Parliament legislative resolution of 13 September 2011 on the proposal for a regulation of the European Parliament and of 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)0061 – C7-0045/2010 – 2010/0039(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0061),
 - having regard to Article 294(2) and Articles 74 and 77(1)(b) and (c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0045/2010),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) and Article 77(2)(b) and (d) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of the Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Polish Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 15 July 2010¹,
 - having regard to the undertaking given by the Council representative by letter of 7 July 2011 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A7-0278/2011),
1. Adopts its position at first reading hereinafter set out;
 2. Approves its statement annexed to this resolution;

¹ OJ C 44, 11.2.2011, p. 162.

3. Takes note of the Commission statements annexed to this resolution;
4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2010)0039

Position of the European Parliament adopted at first reading on 13 September 2011 with a view to the adoption of Regulation (EU) No .../2011 of the European Parliament and of 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

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1168/2011.)

ANNEX

Statement by the European Parliament

The European Parliament stresses that the EU institutions should endeavour to use appropriate and neutral terminology in legislative texts when addressing the issue of third country nationals whose presence on the territory of the Member States has not been authorised by the Member States authorities or is not longer authorised. In such cases, EU institutions should not refer to "illegal immigration" or "illegal migrants" but rather to "irregular immigration" or "irregular migrants".

Commission declaration on the monitoring of return operations

The Commission undertakes to report to the European Parliament and the Council on an annual basis on the implementation of the monitoring of return operations as referred to in Article 9([1b]).

The report will be based on all relevant information made available by the Agency, its Management Board, and the Consultative Forum established by the draft Regulation. In this context it should be noted that the Consultative Forum has full access to all information concerning the respect for fundamental rights in accordance with Article 26a.

The report will pay in particular attention to the application of the "objective and transparent criteria" that need to be observed during return operation carried out by the Frontex Agency.

The first annual report should be presented by the end of 2012.

Commission declaration on the creation of a European system of border guards

The Commission undertakes to launch a feasibility study regarding the creation of a European system of border guards, as referred to in the Stockholm programme, within one year from the adoption of this Regulation. The outcome of the study will feed into the evaluation foreseen by Article 33(2a) of this Regulation.

The Commission also undertakes to analyse if there is a need for a technical amendment of Regulation (EC) No 863/2007 (establishing the Rapid Border Intervention Teams) with regard to the use of the name "European Border Guard Teams".
