

**Proposal for a Regulation 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)
(Doc. XVIII, no.2)**

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

having examined the Proposal for a Regulation 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),

Whereas:

- (a) this proposal relates to an issue which has become crucially important in the European political debate, namely, the strategies to be adopted for the effective control of the external borders of the European Union and for combating illegal immigration;
- (b) external border control is in the interests not only of any individual country but of all the Member States which have abolished internal border controls under the Schengen project;
- (c) illegal immigration remains an extremely worrying issue despite the progress made as a result of adopting active policies to combat it in some Member States, and the institution of Frontex (demonstrating the European Union's enhanced awareness of this issue);
- (d) it is necessary to combat both the criminal organisations which organise migration flows and those that exploit illegal immigrants by using them for illegal activities, or without financial and social security protection;
- (e) action by the European Union is necessary in order to achieve tangible results and prevent Member States, such as Italy, which are most exposed to illegal immigration due to their geographical position, from feeling they have been abandoned and obliged to address emergency situations unassisted;
- (f) Italy, together with other partners, has repeatedly requested the European institutions to fully commit themselves, because this must be addressed as a Community problem based on the principles of solidarity by the Member States with the most exposed countries and cooperation with third countries. It is commendable that by taking up the request of several Member States, including Italy, the Stockholm Programme has placed the strengthening of Frontex among the European Union's priorities for the next five years;
- (g) available statistics show that Frontex can become a decisive instrument for patrolling and policing the maritime borders even though it does not appear to be functioning satisfactorily;
- (h) the purposes of the proposed amendment to the Regulation appear to be sound, namely, to enhance the operational capabilities of the Agency and to strengthen collaboration with third countries, particularly the countries of origin or transit of immigrants, to guarantee its integration with other European agencies, and in particular with Europol, and to enable Frontex to procure its own assets for controlling and monitoring the borders;
- (i) the process is compliant with fundamental rights and with European Union law;
- (j) this final document, together with the text of the opinion issued by the European Union Policies Committee, should be forwarded to the European Commission as part of the informal political dialogue, and to the European Parliament;

assess the proposal positively, with the following remarks:

1. Any changes, including changes to laws, regarding the role and the activities of Frontex must be designed to make the Agency an effective tool for protecting the common borders, working also in coordination with Europol and the other European stakeholders;
2. The joint operation concept must comprise not only the surveillance and control of the borders but also any other formalities connected with the management of the illegal immigrants who are detected and assisted, for which the Member State concerned should receive adequate funding from Frontex. For account must be taken of the considerable costs of transporting irregular immigrants to holding centres in which their identities are ascertained and administrative checks conducted regarding the status of individual immigrants applying for political asylum, or who are to be repatriated. The costs of keeping them in holding centres and cooperating with the relevant consular authorities to be able to identify them are particularly high. To support these charges the Member State should be given adequate funding or, at all events, Frontex should provide forms of cofinancing to sustain these formalities;
3. In the matter of joint operations, joint return flights should be planned and made operational, organised and financed or cofinanced by the Agency;
4. It is necessary to ensure the maximum efficiency of Frontex. In particular, substantial budgetary resources must not be allocated to cover administrative costs instead of operational costs, to which almost all the amounts allocated should be earmarked;
5. The planned strengthening of Frontex must also include the institution and management of European holding centres to identify and repatriate illegal immigrants, and the establishment of a European system for managing political asylum applications, as the European institutions themselves have been advocating;
6. It is necessary to support and enhance the effectiveness of the policy for cooperation between Frontex and the countries of origin and transit of illegal immigrants, making provision for the Member States to receive technical and financial support from the Agency for their bilateral and multilateral cooperation initiatives with third countries;
7. The role of Frontex must be enhanced in terms of cooperation with third countries under agreements concluded between the European Union and the countries of origin and transit of migration flows. In particular, the agreement concluded between Italy and Libya (and with other African countries) is producing sound results in terms of Libya's commitment to patrol its own coasts and combat people traffickers;
8. Procedures must be put in place for concerted action by Frontex and the Member States in a manner which does not prejudice the process of strengthening the Agency, focusing on improving personnel management and the efficient management of the technical assets at the disposal of Member States, while always guaranteeing the Member States the operational independence they require in terms of the manner and the timing of their use;
9. In order to make Frontex effectively operational and to relaunch the work of the Agency on the basis of genuine solidarity between the Member States in the matter of border control, financing and technical support by all the Member States of the European Union are also necessary.

THE CHAIRPERSON OF THE COMMITTEE

Rome, 10 June 2010