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**NOTE**

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from: Italian delegation

to: Working Party on Frontiers/Mixed Committee  
(EU-Iceland/Liechtenstein/Norway/Switzerland)

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Subject: **Proposal for a Regulation of the European Parliament and 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)**

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Delegations will find attached a suggestion from the Italian delegation on Articles 1a to 14 of the above proposal for a Regulation made at the Working Party on Frontiers on 11 May 2010.

Article 1a  
*Definitions*

For the purposes of this Regulation, the following definitions shall apply:

1. (...)
2. **“joint operation” means an action of control, carried out by the Member States concerned, under the coordination of the Agency, in the territory and/or at the external borders of one or more Member States and/or in demarcated areas of sea, including the activities related to the management of illegal migrants detected during the action;**
3. **“pilot project” means an experimental activity carried out or coordinated by the Agency with a view to improve the operational cooperation between Member States in matters covered by this Regulation;**
4. ~~2.~~ **“host Member State” means the Member State on the territory or at borders of which,** ~~or adjacent to~~ a deployment of a Rapid Border Intervention Team or a joint operation or a pilot project takes place;
5. ~~3.~~ (...)
6. ~~4.~~ (...)
7. ~~5.~~ (...)
8. ~~6.~~ (...)

Article 2  
*Main tasks*

1. The Agency shall perform the following tasks:
  - (a) (...)
  - (b) (...)
  - (c) carry out risk analyses ~~, including~~ **and studies of the preparedness** ~~the evaluation of the capacity of Member States to face threats and pressure at the external borders~~ to deal with possible upcoming challenges, including present and future threats and pressure on certain sectors at external borders of the Members States of the European Union;
  - (...)

Article 3  
*Joint operations and pilot projects at the external borders*

1. (...)  
The Agency may also terminate **or suspend, prior consultation with the host Member State (s) concerned,** joint operations and pilots projects if the conditions to conduct these initiatives are no longer fulfilled.
2. (...)
3. (...)
4. (...)
5. (...)
6. **Joint operations referred to paragraph 1 include the activities related to the management of the illegal migrants detected during the border surveillance and control.**

Article 3a  
*Organisational aspects of joint operations and pilot projects*

1. (...).

The operational plan shall include the following:

- (a) a description of the situation, with modus operandi and objectives of the deployment, including the operational aim, **as well as logistic and organisational modalities in managing illegal migrants detected during the action;**
- (b) (...)
- (c) (...)
- (d) description of the tasks and special instructions for the guest officers, ~~including on permissible consultation of databases and permissible service weapons~~ **in compliance with Article 10.**
- (e) (...)
- (f) (...)
- (g) (...)
- (h) (...)
- (i) (...)
- (j) (...)
- (k) **any other aspects considered as necessary for carrying out the joint operation or the pilot project.**

Article 14

*Facilitation of operational cooperation with third countries and cooperation with competent authorities of third countries*

- 1. In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate **and support, from a financial and technical point of view**, the operational cooperation between Member States and third countries, in the framework of the European Union external relation policy, including with regard to human rights, **and taking into account pertinent bi-multilateral agreements signed by the Member States with the third countries concerned.**
- 2. (...)
- 3. The Agency may deploy liaison officers, which should enjoy the highest possible protection to carry out their duties, in third countries. They shall form part of the local or regional cooperation networks of Member States' **immigration** liaison officers set up pursuant to council Regulation No 377/2004. ~~Liaison officers shall only be deployed to third countries in which border management practices respect minimum human rights standards.~~ **Within the framework of the European Union external relations policy**, priority for deployment of FRONTEX liaison officers should be given to those third countries, which on the basis of risk analysis constitute a country of origin or transit regarding illegal migration. (...).
- 4. The tasks of the **Agency's** liaison officers shall include, in compliance with European Union law ~~and in accordance with fundamental rights~~, the establishment and maintaining of contacts with the competent authorities of the third country to which they are assigned to with a view to contribute to the prevention of and fight against illegal immigration and the return of illegal migrants.

5. (...)
6. The Agency may also invite representatives of third countries, other European Union agencies and bodies and international organisations to participate in its activities referred to in Articles 3, 4 and 5. ~~These representatives shall receive the appropriate training from the Agency prior to their participation.~~

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