



Council of the  
European Union

Brussels, 22 September 2015  
(OR. en)

11088/15

LIMITE

PV/CONS 42  
JAI 587

## DRAFT MINUTES

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Subject: **3405th** meeting of the Council of the European Union (**JUSTICE AND HOME AFFAIRS**) held in Brussels on 20 July 2015 <sup>1</sup>

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<sup>1</sup> Statements which the Council has decided to make public may be also found in Addendum 1 to these minutes.

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1. **Adoption of the agenda**

10914/1/15 REV 1 OJ/CONS 42 JAI 564

The Council adopted the above agenda.

**NON-LEGISLATIVE ACTIVITIES**

2. **Approval of the list of "A" items**

11046/15 PTS A 48

The Council adopted the list of "A" items as listed in doc. 11046/15.

3. **Draft Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 displaced persons in clear need of international protection**

= Adoption

10830/2/15 REV 2 ASIM 52 RELEX 592

9376/15 ASIM 31 RELEX 438 COMIX 250

+ ADD 1

The Representatives of the Governments of the Member States meeting within the Council approved the abovementioned Conclusions and agreed on resettling through multilateral and national schemes 22 504 displaced persons from outside the EU who are in clear need of international protection. The agreed text of the Conclusions is set out in doc. 11130/15.

Germany and France, Denmark, Hungary, Romania, United Kingdom, Liechtenstein and Norway made statements as set out in the Annex.

4. **Draft Resolution of the Representatives of the Governments of the Member States meeting within the Council on relocating from Greece and Italy 40 000 persons in clear need of international protection**

= Adoption

10831/2/15 REV 2 ASIM 53

9355/15 ASIM 30 MIGR 30 COMIX 247

+ ADD 1

The Representatives of the Governments of the Member States meeting within the Council approved the abovementioned Resolution and agreed to relocate 32 256 persons in clear need of international protection from Italy and Greece. Ministers committed themselves to update the figures set out in Annex to the Resolution by December 2015 in order to reach the overall number of 40 000. The agreed text of the Resolution is set out in doc. 11131/15.

The Council, the Commission, Austria, the Czech Republic, Germany and France, Estonia, Greece, Hungary, Italy, The Netherlands, Portugal and Slovenia, and Romania made statements which are set out in the Annex.

5. **Proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece**

= General approach/State of play and guidance for further work  
10832/15 ASIM 54  
9355/15 ASIM 30 MIGR 30 COMIX 247  
+ ADD 1

Following the lifting of the remaining reservations, the Council approved the general approach on the draft Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece, as set out in doc. 11132/15.

6. **Draft Council conclusions on the designation of certain third countries as safe countries of origin**

= Adoption  
10833/15 ASIM 55 COWEB 71

The Council approved the abovementioned Council Conclusions. The agreed text is set out in doc. 11133/15.

7. **Any other business**

– **Valletta Summit**  
= Information item

Ambassador Pierre Vimont, Special Envoy of the President of the European Council for the Valletta Summit, briefed the Council on the state of play of the preparation of the Summit.

– **EU return policy**  
= Information item

The Spanish Minister presented his non-paper on return suggesting the adoption of the Council Conclusions on this issue next October and the establishment of an EU return programme from 2016. Commissioner Avramopoulos recalled his two letters addressed to Ministers elaborating on the Commission's ideas on return and readmission.

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**STATEMENTS FOR THE COUNCIL MINUTES**

**Ad "B" item 3:**      **Draft Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 displaced persons in clear need of international protection**

**STATEMENT BY GERMANY AND FRANCE \***

"France and Germany are ready to take all their part in welcoming refugees who are fleeing persecutions, particularly from Syria, Iraq or Eritrea.

Building on the initial proposition of the European Commission, France will welcome, over a period of 2 years, 6 752 people in clear need of protection from the relocation mechanism and 2 375 from the resettlement programme. Germany will welcome up to 10 500 persons from the relocation programme, over a period of 2 years and 1 600 persons from the resettlement programme.

France and Germany support the relocation programme, and particularly recall that solidarity and responsibility are closely interlinked. In this regard, the importance of the following agreed conditions shall particularly be stressed:

- All EU member states concerned by these programmes shall take part in them, in order to have a balanced distribution of the effort;
- At the same time as the relocation decision enters into force, the “hot spots including national reception facilities (waiting zones) located close to the arriving points in the Member states of first entry, should be set up. Within the “hot spots”, the coordination between the EU Regional Task Force (EURTF), the operational expert teams and the front line Member States for the relocation has to be established, enabling to identify and register migrants in the Eurodac basis, and make the necessary distinction between asylum applicants fleeing persecutions and who will be relocated among Member states, and illegal migrants not asking for asylum or whose application has been rejected, who need to be returned in their home country;
- The European Commission and all Member States take all measures to avoid secondary movements of relocated persons and the member state of relocation readmits the relocated person immediately upon request by the other Member State.
- The EU should also continue to act decisively against illegal immigration, including by dismantling smugglers’ networks and by ensuring the return of illegal migrants in their home countries;
- The welcoming of refugees for the resettlement and the relocation programmes should be rolled out over a period of 2 years, in order to guarantee the sustainability of these operations.

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\* Statements to be made public

France and Germany will pay close attention to the respect of these conditions that are essential to the necessary balance between responsibility and solidarity needed in order to face the current migration crisis."

#### **STATEMENT BY DENMARK \***

"Resettlement to Denmark of approximately 500 refugees in 2015 is based on an existing national resettlement scheme, containing criteria and conditions agreed upon between Denmark and UNHCR. The possible resettlement of approximately 500 refugees in 2016 under the existing national scheme is pending the outcome of national decision making procedures."

#### **STATEMENT BY HUNGARY**

"Besides the implementation of its national resettlement programme for 2015, taking into account of the specific situation underlined in the Conclusions of the European Council of 25-26 June and in the Conclusions of the Representatives of the Governments of the Member States meeting within the Council and bearing in mind the current enormous pressures on its asylum and migration system for the time being Hungary is not able to propose additional number of resettlement places."

#### **STATEMENT BY ROMANIA**

"Romania understands to show solidarity and therefore agrees to the relocation of 1 705 persons in clear need of international protection (intra-EU) and to the resettlement of 80 persons in clear need of international protection (extra –EU).

These commitments are entered under the following terms:

- The necessary EU funding should be provided by the Commission, and the AMIF procedure for funds allocation and implementation of programs should be launched;
- Romania would preferably accept persons in clear need of international protection and, to the greatest extent possible, from Syria, given the better integration perspectives, and provided their transfer procedures are ensured by the beneficiary countries;
- Transfer of such persons in need should start in November 2015."

#### **STATEMENT BY THE UNITED KINGDOM \***

"Resettlement to the UK will be under existing national schemes. This figure is purely indicative based on projections of current resettlement activity. It is not a hard target as some resettlement schemes are based on need, not quota."

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\* Statements to be made public

## STATEMENT BY LIECHTENSTEIN

"The Principality of Liechtenstein hereby declares its willingness to participate on a voluntary basis in the resettlement scheme of the European Union as set forth in the Conclusions of the Representatives of the Governments of the Member States adopted the Home Affairs Council meeting of the 20th July 2015 and providing for the resettlement of 20 000 displaced persons in clear need of international protection, and to do so through its national programme for the resettlement of 20 Syrian nationals to the territory of the Principality of Liechtenstein. In the light of humanitarian solidarity and given the urgency of the current situation, the Principality of Liechtenstein already started the resettlement process and will be able to conclude its respective efforts in 2015."

## STATEMENT BY NORWAY

"Norway will offer resettlement for 3 500 persons displaced by the conflict in Syria until the end of 2016 500 persons will be resettled for the remainder of 2015, over and above offers already made to other persons in need of international protection. 3 000 will be offered resettlement in 2016. For the latter the formal Parliamentary decision has yet to be made. The actual resettlement will be carried out within the regular Norwegian resettlement scheme, and based on referrals by UNHCR."

**Ad "B" item 4:        Draft Resolution of the Representatives of the Governments of the Member States meeting within the Council on relocating from Greece and Italy 40 000 persons in clear need of international protection**

## STATEMENT BY AUSTRIA \*

"Austria supports this resolution, but is itself confronted with disproportionately high pressure on its asylum system. Owing to this extremely difficult situation and the disproportionate commitment in the area of resettlement, Austria can receive persons who are in clear need of international protection in the context of relocation from Greece and Italy only if or when this difficult situation no longer exists."

## STATEMENT BY THE CZECH REPUBLIC \*

"The Czech Republic declares that the proposed relocation scheme is temporary, exceptional and the participation to it of the Czech Republic is voluntary. The proposed scheme should not introduce a new systemic aspect to the Common European Asylum System. Should there be any discussions in the future on a possible permanent relocation scheme, these should take place only after the functioning of the proposed temporary scheme is thoroughly assessed, including the aspects of secondary movements, impact on the relocated persons and Member States of relocation and its overall added value to the general functioning of the EU's migration management. Compliance with the principle of proportionality must be thoroughly examined."

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\* Statements to be made public

The Czech Republic believes that the implementation of the Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece should be ruled by the inseparability of the aspect of solidarity and the aspect of responsibility of Member States in the field of migration management.

In this regard, the Czech Republic further declares that relocation transfers from Greece and Italy are subject to tangible results of those particular Member States as regards registration, identification and fingerprinting of migrants as well as progress in returns of illegal migrants who do not qualify for international protection, including with the assistance resulting from the implementation of the “hotspots” concept.

The Czech Republic finally states that it considers the issue of internal security a crucial part of the EU’s migration management. Taking this into account, all possibilities provided by the Council Decision should be made full use of in the relocation procedure, including on-site screening by liaison officers of Member States of relocation. "

#### **STATEMENT BY GERMANY AND FRANCE \***

"France and Germany are ready to take all their part in welcoming refugees who are fleeing persecutions, particularly from Syria, Iraq or Eritrea.

Building on the initial proposition of the European Commission, France will welcome, over a period of 2 years, 6 752 people in clear need of protection from the relocation mechanism and 2 375 from the resettlement programme. Germany will welcome up to 10 500 persons from the relocation programme, over a period of 2 years and 1 600 persons from the resettlement programme.

France and Germany support the relocation programme, and particularly recall that solidarity and responsibility are closely interlinked. In this regard, the importance of the following agreed conditions shall particularly be stressed:

- All EU Member States concerned by these programmes shall take part in them, in order to have a balanced distribution of the effort;
- At the same time as the relocation decision enters into force, the “hot spots including national reception facilities (waiting zones) located close to the arriving points in the Member States of first entry, should be set up. Within the “hot spots”, the coordination between the EU Regional Task Force (EURTF), the operational expert teams and the front line Member States for the relocation has to be established, enabling to identify and register migrants in the Eurodac basis, and make the necessary distinction between asylum applicants fleeing persecutions and who will be relocated among Member States, and illegal migrants not asking for asylum or whose application has been rejected, who need to be returned in their home country;
- The European Commission and all Member States take all measures to avoid secondary movements of relocated persons and the member state of relocation readmits the relocated person immediately upon request by the other Member State.

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\* Statements to be made public



- The EU should also continue to act decisively against illegal immigration, including by dismantling smugglers' networks and by ensuring the return of illegal migrants in their home countries;
- The welcoming of refugees for the resettlement and the relocation programmes should be rolled out over a period of 2 years, in order to guarantee the sustainability of these operations.

France and Germany will pay close attention to the respect of these conditions that are essential to the necessary balance between responsibility and solidarity needed in order to face the current migration crisis."

## STATEMENT BY ESTONIA

"Estonia welcomes the progress made on establishing provisional measures in the area of international protection for the benefit of Italy and Greece. However, we would like to draw attention to the need of establishing relocation procedures which can be swiftly and effectively implemented in order to guarantee the best possible reception conditions for the applicants of international protection and would share the burden on Italian and Greek administration of processing applications. In order to achieve this, receiving Member States should be allowed to organize, in cooperation with Italy and Greece and the relevant agencies, on-site missions to process applications for the purpose of granting international protection to applicants. This would improve the quality and shorten the length of the decision-making procedures, enable to evaluate possible risks and enable to better prepare for the reception of applicants."

## STATEMENT BY GREECE \*

"Recalling the European Council Conclusions of June 25-26, 2015, with regard to the reinforcement of internal solidarity and responsibility in relation to increasing emergency aid to frontline Member States and to stepping up its efforts in this area towards Member States which receive the highest number of refugees and applicants for international protection, Greece wishes to make clear that it is bound by the text of the *COUNCIL DECISION establishing provisional measures in the area of international protection for the benefit of Italy and Greece of July 20, 2015* and the *Resolution of the Representatives of the Governments of the Member States meeting within the Council on relocating from Greece and Italy 40 000 persons in clear need of international protection and its annex of July 20, 2015* as they stand, without any reservation.

Greece also declares that the implementation of the *Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 persons in clear need of international protection of July 20, 2015* is conditional upon full and unreserved implementation of the *COUNCIL DECISION establishing provisional measures in the area of international protection for the benefit of Italy and Greece of July 20, 2015* and the *Resolution of the Representatives of the Governments of the Member States meeting within the Council on relocating from Greece and Italy 40 000 persons in clear need of international protection of July 20, 2015*."

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\* Statements to be made public

## STATEMENT BY HUNGARY

"Taking into account of the specific situation underlined in the Conclusions of the European Council of 25-26 June and bearing in mind the current enormous pressures on its asylum and migration system for the time being Hungary is not able to participate in the implementation of the provisional measures."

## STATEMENT BY ITALY

"The Decision identifying temporary international protection measures for the benefit of Italy and Greece is the first step along a path which must lead to the development of a genuine shared migration policy at Union level and to the effective implementation of the Common European Asylum System.

The level of solidarity is not what we would have wished for, nor is it, for the moment, the level agreed between the Heads of State and Government.

Italy believes that, in the interests of balancing solidarity and responsibility, the heavy burden presented to States on the front line must be adequately counterbalanced by the relocation efforts required from the other Member States.

The lack of such balance may undermine the whole foundation of the adopted Decision, particularly where the results would not allow the relocation targets to be met.

As for the support of European agencies, we will follow the conditions provided for in their founding regulations. "

## STATEMENT BY THE NETHERLANDS \*

"The current migratory pressure on Italy and Greece requires a concrete demonstration of solidarity from all Member States. The Netherlands is therefore willing to make a sizeable contribution to the relocation of asylum applicants from Italy and Greece in line with the original proposal of the European Commission, while emphasising that solidarity must go hand in hand with responsibility. In this light, the Netherlands attaches particular importance to the contributions of other Member States to the relocation mechanism as well as the fulfilment by Italy and Greece of their obligations under the common European asylum system. Insufficient results with regard to these aspects may lead to reconsideration of the stated commitment of the Netherlands."

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\* Statements to be made public

## **STATEMENT BY PORTUGAL AND SLOVENIA**

"Portugal and Slovenia welcome the agreement that has just been reached in the JHA Council, putting in place the guidelines set forth by the European Council of June, namely concerning the relocation of people in clear need of international protection from Italy and Greece towards other Member States, as well as in resettling of refugees from third countries.

Aware of the invaluable importance of European solidarity, Portugal and Slovenia have been, from the very beginning, in the frontline of those Member States which expressed their availability to bear an increased effort, in order to achieve a solution to this exceptional and emergency situation.

Being of the utmost need to provide an urgent and humanitarian answer, in accordance with the European values, and to give a new hope to life to those in need of support, Portugal and Slovenia will continue to actively cooperate in this collective effort.

Henceforth, and following the information provided by the Commission in the Informal JHA Council of the 9th of July, and on the COREPER II meeting of the 16th of July, Portugal and Slovenia invite the Commission to provide further clarification on the financial mechanisms which will be available for the Member States participating in the support measures for Italy and Greece.

In particular, and bearing in mind the information provided by the Commission in the COREPER II meeting of the 6th of July, Portugal and Slovenia deem it relevant that the Commission specifies how the Member States will be able to use the financing under the Asylum, Migration and Integration Fund, as well as the European Investment and Structural Funds, in order to face the financial implications resulting from the current solidarity efforts.

Furthermore, Portugal and Slovenia consider that the financial support measures must be assured through the amounts foreseen for emergency situations, such as the one Europe is currently facing, not jeopardizing the strategic and national objectives inscribed in the afore approved financial Programs."

## **STATEMENT BY ROMANIA**

"Romania understands to show solidarity and therefore agrees to the relocation of 1 705 persons in clear need of international protection (intra-EU) and to the resettlement of 80 persons in clear need of international protection (extra-EU).

These commitments are entered under the following terms:

- The necessary EU funding should be provided by the Commission, and the AMIF procedure for funds allocation and implementation of programs should be launched;
- Romania would preferably accept persons in clear need of international protection and, to the greatest extent possible, from Syria, given the better integration perspectives, and provided their transfer procedures are ensured by the beneficiary countries;
- Transfer of such persons in need should start in November 2015."

## **STATEMENT BY THE COUNCIL**

"The Council Decision xxx of XXX 2015 establishes provisional measures in the area of international protection for the benefit of Italy and Greece in view of supporting them to better cope with an emergency situation characterised by a sudden inflow of nationals of third countries in those Member States.

The Council acknowledges that the transfer of applicants to the Member States of relocation will entail substantial costs for Italy and Greece. The Council invites Member States to consider supporting, through bilateral arrangements with Italy and Greece, the financing of those costs.

The Council invites the Commission to urgently consider further support to Italy and Greece through additional financial support."

## **STATEMENT BY THE EUROPEAN COMMISSION**

"The Commission takes note that the high number of persons which, pursuant to this Decision, Italy and Greece have to transfer at their costs to the other Member States is causing an organisational and financial burden for these two Member States.

The Commission would like to emphasise that, in addition to the other Member States which may help supporting the transfer costs of persons to be relocated on the basis of specific bilateral arrangements with Italy and Greece, financial support to those two Member States to meet at least some of the transfer costs may also be provided on the basis of Regulation (EU) N° 516/2014 of the European Parliament and of the Council, taking into account the eligibility of such costs under their national programmes and considering the Fund's centrally managed resources.

The Commission will examine the legal and budgetary feasibility of increased pre-financings to the Member States within the framework of the financial implementation mode applicable to this Decision (shared management).

The Commission will also examine, in order to prevent secondary movements, whether the Member State of relocation should be entitled to receive the lump sum not upon arrival of the applicant on its territory but only at a later point in time, e.g. after the first asylum decision."

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