



11969/15

(OR. en)

PRESSE 53  
PR CO 45

## OUTCOME OF THE COUNCIL MEETING

3408th Council meeting

### Justice and Home Affairs

Brussels, 14 September 2015

President      **Jean Asselborn**  
Minister of Immigration and Asylum

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<sup>1</sup>

- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

## **ITEMS DEBATED**

### **Update on migration movements**

Home affairs ministers were briefed by a number of EU and United Nations agencies (Frontex, the European Asylum Support Office (EASO), Europol, UNHCR and International Organisation for Migration) on the latest information on migratory flows and the situation on the ground.

### **European Union action**

The Council heard a presentation by the European Commission on the package of concrete measures adopted on 9 September to respond to the current refugee crisis and to prepare for future challenges.

Ministers were also informed about the progress made in implementing the most recent EU measures.

After the discussions on migration held in the Council in the presence of Schengen associate countries, the Presidency, supported by a large majority of delegations, drew the following conclusions:

- "1. The Council has heard the United Nations High Commissioner for Refugees, António Guterres, and the Director General of the International Organization for Migration, William Lacy Swing. Both have underlined the alarming situation of people massively fleeing conflict regions. Member States and the Commission have agreed to further develop resettlement possibilities.

In addition, support given by the European Union's budget and by Member States will be increased in order to help the UNHCR to respond to the needs of refugees in camps established close to their places of origin, in particular, at the present moment, in Iraq, Jordan, Lebanon and Turkey. The Council has agreed to increase the European Union Regional Trust Fund in response to the Syrian Crisis (the Madad Fund) significantly to provide immediate ad hoc support for Syria and the neighbouring countries. As a first step, additional support will be provided immediately by the Commission through the Humanitarian Aid and Civil Protection Office ECHO to partners operating in origin or transit countries outside of the EU on the basis of proposals submitted by these partners. In this context, the Council has welcomed Norway's offer to host an international donors' conference to help Syrians displaced by war.

2. The Council has stressed that effective border control is imperative for the management of migration flows.
3. The Council reiterated its commitment to further strengthen ongoing operations, particularly the Frontex Joint Operations TRITON 2015 and POSEIDON 2015, as well as operation EUNAVFOR MED. The Council welcomed the announcement of the Commission to propose before the end of the year a significant strengthening of Frontex and its further development.

4. The Council has agreed that it is necessary to deploy without delay Frontex Rapid Border Interventions Teams to reinforce the response capacity of the European Union at sensitive external borders in consultation with the Member States concerned and in line with Frontex Regulation. Measures will be designed to support frontline and transit countries. The Council has invited Frontex, EASO and the Commission, in cooperation with relevant Member States, to implement and coordinate further actions that will help the European Union as a whole to cope with migratory pressures. Calls for contributions should be issued and Member States have agreed to respond to the requested support.
5. Challenges faced by Greece are European ones. In order to tackle these challenges together, the Council, in parallel to rapid and effective relocation measures, has agreed that Greece should be supported in its efforts to strengthen the reception capacities, the asylum system and the management of the external borders in full respect of human rights and safety requirements. Adequate financial resources should be made available.
6. The Council agreed to further support the capacities of affected Western Balkan countries to manage their borders, receive and process flows of migrants, grant protection to those entitled to it and ensure the return of those who are not in need of international protection. Available resources from the enlargement process will be prioritised, as necessary. To help affected Western Balkan countries to better cope with incoming migratory flows, additional avenues could be considered, as well as specific financial mechanisms.
7. As a major first reception and transit country for migrants and given its geographic position, Turkey is a main partner of the EU in the management of migratory flows. The EU will continue to engage with Turkey to jointly meet these challenges. In this context, the EU stands ready to increase cooperation with Turkey, including in the area of border management and in the fight against smuggling and trafficking in human beings.
8. As an immediate response to the current situation, the Council decided in July to relocate 40 000 persons in need of international protection from Italy and Greece. At this Council, some Member States committed to complete their pledges already by the end of November. After consultation with the European Parliament, the decision<sup>1</sup> establishing provisional measures in the area of international protection for the benefit of Italy and Greece has formally been adopted by the Council on 14 September 2015. In parallel, as this decision enters into force, it is crucial that robust mechanisms become operational by 16 September in Italy and Greece to ensure identification, registration and fingerprinting of migrants; to identify persons in need of international protection and support their relocation; and to identify irregular migrants to be returned. To ensure that the process remains efficient and manageable, reception will be duly organised so as to temporarily accommodate people in line with the EU acquis until a decision is quickly taken on their situation. When voluntary return is not practicable and other measures provided for in the Return Directive and in the Handbook on return are inadequate to prevent secondary movements, detention measures in line with article 15 of the Return Directive should be applied urgently and effectively. In order to achieve an effective return policy, the policies referred to at paragraph 11 are of utmost importance in this context.

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<sup>1</sup> Documents [11673/15](#) ASIM 76 and [11161/15](#) ASIM 67 + COR 1 (fi)

Ministers have heard reports from all parties involved on results achieved so far in setting-up these hotspots and reception facilities and have requested further, decisive progress. The Commission will report on the effective implementation of the hotspots by the end of next week.

Member States will immediately deploy liaison officers to Italy and Greece. The Council has welcomed the intention of the Commission to convene an operational meeting with Member States within a week, after the presentation of relocation roadmaps by Italy and Greece on 15 September.

Adequate measures will be taken to prevent secondary movements.

9. The Council has welcomed the comprehensiveness of measures proposed by the European Commission on 9 September 2015, which, together with measures already foreseen by the European Agenda on migration, constitute an important step to manage the refugee crisis. The Council will examine those proposals without delay and invites the European Parliament to consider them also as a matter of priority. In addition, the Council looks forward to the European Commission's upcoming proposals on the management of the European Union's external borders, to be presented before the end of the year.
10. In light of the current exceptional emergency situation and in view of the measures mentioned in paragraphs 3 to 8, the Council <sup>2</sup> has agreed in principle to relocate an additional 120 000 persons in need of international protection from any Member States exposed to massive migratory flows. All Member States confirm their willingness to participate<sup>2</sup>. The numbers proposed by the Commission constitute the basis for an agreement on the distribution of those persons within the European Union. Work will be carried out as a matter of priority on the preparation of a formal decision to implement this commitment, with due regard to the flexibility that could be needed by Member States in the implementation of the decision, in particular to accommodate the current situation and unforeseen developments. With a view to the adoption of this decision at the next meeting of the Justice and Home Affairs Council scheduled on 8-9 October, the Council has invited the European Parliament to express its opinion as a matter of urgency.
11. This relocation mechanism for 120 000 persons is a temporary mechanism, in the framework of article 78 (3) TFEU. Whereas the Dublin Regulation will remain in force, the Council has noted that the Commission will come forward with an evaluation and a possible proposal for the revision of this Regulation.

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<sup>2</sup> Without prejudice to the specific situation of the United Kingdom, Ireland and Denmark pursuant to Protocols 21 and 22 to the Treaties. The UK will not participate.

12. The Council has recalled the importance of effective return and readmission policies, which should be implemented with utmost urgency by all Member States and enforced in a manner consistent with the acquis. The communication of the Commission on a European Return Program and the recommendation on a Handbook on Return have been welcomed and will be examined in the coming days in view of an endorsement at the Council meeting on 8-9 October 2015. In the meantime, the Council has adopted on 14 September 2015 conclusions<sup>3</sup> on a more efficient use of the SIS for the purpose of refusing entry and stay to irregular migrants. Their return must be enforced consistently with adequate financial resources provided by the EU budget. The role of Frontex should be enhanced within the existing framework as well as by making the necessary amendments to the Frontex regulation. All tools should be mobilised to promote readmission of irregular migrants to countries of origin and transit.

Third countries need to take back their nationals that have no right to stay in the EU. Both operational and political cooperation and partnerships on readmission with countries of origin have to be stepped up, particularly where a formal approach through readmission agreements is deemed too cumbersome or is not achieving results.

Readmission commitments need to be implemented effectively without delay, including in particular Article 13 of the Cotonou Agreement.

All leverages, and particularly foreign policy and visa policy, should be mobilized to increase the acceptance by countries of origin of the EU laissez-passer for the return of migrants staying illegally. In the short term, the European Commission should take all necessary steps to increase the security features of this document.

13. In addition to national lists, the Council agreed to adopt a common European Union list of safe countries of origin. This will apply in particular to countries already identified in Council conclusions on safe third countries adopted on 20 July 2015. The Council shall carry out all preparatory steps necessary to present its position in the ordinary legislative procedure already in October.
14. The Council stressed once more the importance of reinforcing cooperation with relevant third countries. The High Representative is urged to step up high-level demarches in the main countries of origin and transit. The Valletta summit and the high-level conference to address the challenges of the Western Balkans route will be instrumental in strengthening this cooperation. The necessary resources should be made available through reprioritisation of development cooperation as well as economic assistance and direct investment in infrastructure and businesses in relevant third countries. Interventions should be based on an integrated approach of internal and external instruments provided for by EU common policies.

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<sup>3</sup> Document [11648/15](#)

15. In this respect, the Council agreed that, in parallel to these short term measures and in combination with solid resettlement programs, implementation shall start on a medium-term strategy based on this integrated approach, aimed at developing safe and sustainable reception capacities in the affected regions and providing lasting prospects and adequate procedures for refugees and their families until return to their country of origin is possible. Once the conditions set by Directive 2013/32/EU are met, notably the principle of non-refoulement referred to in its Article 38, EU Member States are in a position to find asylum applications of these persons inadmissible on safe third country grounds in accordance with Article 33 of the said Directive, after which swift assisted return can follow.
16. The Council invited the Commission to submit to the budgetary authority as soon as possible adequate proposals to increase financial and human resources so that Member States facing disproportionate pressures on their asylum and reception systems and EU Agencies confronted with a huge increase of their tasks can respond to the situation.
17. Member States, the Commission, EU agencies and all relevant stakeholders were urged to implement fully and swiftly all actions already decided to manage migratory flows. The note of the Presidency submitted to the Council<sup>4</sup> identifies a number of other measures to be considered.
18. The Council has taken note of the recent notification by a Member State to reintroduce internal border control at borders exposed to massive migratory pressure. This Member State underlined the provisional nature of such measures, intended to restore a normal situation without serious threat to public policy or internal security. The Council has stressed the need to fully apply the EU asylum and Schengen *acquis*."

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<sup>4</sup> Document [11782/1/15 REV 1](#)

## **OTHER ITEMS APPROVED**

### **JUSTICE AND HOME AFFAIRS**

#### **Relocation**

The Council adopted a decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece.

This decision establishes a temporary and exceptional relocation mechanism over two years from the frontline member states Italy and Greece to other member states. It will apply to 40 000 persons in clear need of international protection who have arrived or are arriving on the territory of those member states as from 15 August 2015 until 16 September 2017.

For more information see [press release](#)

#### **SIS - return decisions**

The Council adopted conclusions ([11648/15](#)) on alerts in the SIS for the purpose of refusing entry and stay pursuant to Article 24 of the SIS II Regulation upon a return decision.

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