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## OUTCOME OF THE COUNCIL MEETING

3461st Council meeting

### Justice and Home Affairs

### Home Affairs

Luxembourg, 21 April 2016

Presidents **Ard Van der Steur**  
Minister for Security and Justice  
**Klaas Dijkhoff**  
State Secretary of Security and Justice and Minister for  
Immigration

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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.

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## **ITEMS DEBATED**

### **HOME AFFAIRS**

#### **IT systems for Security and Borders**

The Council discussed the aftermath of the Brussels attacks, following up on the meeting of 24 March 2016. Ministers focused their debate on the use and interoperability of databases and the recent Commission proposals on the smart borders package.

Ministers discussed actions for improving information exchange and agreed to work towards an agreement on the requirements for an integrated European information architecture, including interoperability in the area of justice and home affairs, covering migration, security/counter-terrorism and borders. This agreement will include a roadmap with short-, medium- and long-term actions, which will be presented at the Justice and Home Affairs Council in June 2016.

The Council stressed that the smart borders proposals form a solid basis for negotiations in the Council with a view to reaching a political agreement by the end of the year.

Ministers also took note of the information provided by the Belgian Minister for the Interior regarding the investigations into the terrorists attacks that hit Brussels on 22 March.

## **Databases**

Ministers discussed the systematic feeding and consistent use of European and international databases, following up on the ministerial statement of 24 March.

The EU Counter-Terrorism Coordinator presented a general document setting out average data for the Union as a whole by way of a benchmark. Ministers invited the EU Counter-Terrorism Coordinator, together with the Commission, to reflect on how best to continue the exercise of monitoring the efforts of member states in this regard and to inform the Council on their approach.

The Council will come back to the larger topic of information exchange at its next meeting on 10-11 June 2016. The systematic feeding and consistent use of databases constitutes a key component of the EU's efforts to improve information exchange.

## **European Border Guard**

The Council was briefed by the presidency on the state of play as regards the proposed regulation establishing a European Border Guard ([7680/16](#)).

On 6 April 2016, the Permanent Representatives Committee agreed on the Council's negotiating position. On this basis, the presidency is ready to start negotiations as soon as the European Parliament has adopted its position.

Ministers stressed the need to start preparations to implement the future regulation on certain priority elements, without prejudice to the forthcoming negotiations with the Parliament.

They asked the European Commission and Frontex to start looking at the following issues: 1) the pooling of human and technical resources; 2) the conducting of vulnerability assessments; 3) the new agency's tasks in the return policy; 4) the drafting by the Commission of a model status agreement in the context of cooperation with third countries; and 5) the drawing up of a standardised complaint form by the Fundamental Rights Officer of Frontex.

The primary objective of the European Border Guard is to ensure and implement, as a shared responsibility, European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of security within the EU, while safeguarding freedom of movement within the EU.

It will consist of a European border guard agency (the current Frontex agency with expanded tasks) and national authorities responsible for border management. The restructured agency will focus its activities on the establishment of an operational strategy for European integrated border management and on the assistance of all the member states concerned as regards its implementation.

## Migration

Home affairs ministers held an exchange of views on several migration-related issues, and in particular the implementation of the 17-18 March 2016 European Council conclusions and the implementation of the EU-Turkey statement of 18 March 2016.

Ministers examined progress in implementing the measures that need to be taken to rapidly reduce the negative humanitarian consequences of the current migration situation, protect EU external borders, stem the flows, reduce illegal migration and safeguard the integrity of the Schengen area.

They reaffirmed the need to speed up the implementation of the EU-Turkey statement of 18 March and in particular the resettlement of Syrian refugees from Turkey in the framework of the 1:1 scheme. Member states were also invited to accelerate the relocation of asylum seekers from Greece and Italy in accordance with the Council decisions of September 2015.

Furthermore, Ministers agreed to watch closely for the opening of any new migratory routes. Particular attention should be paid to the evolution of the situation in the central Mediterranean, which should be very closely monitored in order to avoid a major crisis.

## **Other business**

The Slovenian delegation informed the Council about the meeting of interior ministers of the Brdo process that took place on 18-19 April 2016.

The European Commission informed the Council about the communication on the European Security Agenda, adopted on 20 April 2016. It also gave an update on the developments since the launch of the Internet Forum, which was established to strengthen engagement between the European Commission, member states, civil society, Europol and the industry in tackling terrorist material online.

## **MIXED COMMITTEE**

The Council in the Mixed Committee format (the EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed the following items:

### **IT systems for Security and Borders**

See item above.

### **Databases**

See item above.

### **European Border and Coast Guard**

See item above.

### **Migration**

See item above.

**OTHER ITEMS APPROVED****JUSTICE AND HOME AFFAIRS****Asylum decision practices**

The Council approved the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

- Recalling the conclusions of the European Council of 26-27 June 2014, which outline the strategic guidelines for the area of freedom, security and justice, and call for a level playing field where asylum seekers are given the same procedural guarantees and protection throughout the Union, which are to be achieved by means of a uniform application of the *acquis* and by 'converging practices';
- Noting that the second phase of the Common European Asylum System (CEAS) has been completed with the revision of the Asylum Procedures Directive, the Reception Conditions Directive, the Qualifications Directive, the Dublin Regulation and the Eurodac Regulation;<sup>1</sup>
- Noting that considerable differences nonetheless persist between Member States in terms of the outcome of procedures, the recognition rates and the international protection status granted;
- Noting also that the need to reduce these divergences is ever greater in these times of high influx and secondary movements of migrants within the EU;
- Recalling the European Agenda on Migration of 13 May 2015, in which the Commission called upon EASO, with a view to encouraging more uniform decisions, to develop a role "as the clearing house of national Country of Origin Information – the factual information on which asylum decisions are based";
- Noting that the reinforcement of coordinated EU-level Country of Origin Information (COI) production is one of the preconditions for more convergence in asylum decisions between Member States, and recognising the need to strengthen the actual use and common interpretation of the EU-level COI in Member States;

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<sup>1</sup> Without prejudice to the specific situation of the United Kingdom, Ireland and Denmark pursuant to Protocols 21 and 22 to the Treaties.

- Recognising that more work needs to be done to facilitate the joint development of COI-based policies at a more senior level;
- Having regard to the joint COI report on the security situation in Afghanistan, produced by EASO in January 2015 and updated in January 2016, as well as policy discussions based on case studies organised in the framework of an ad hoc Practical Cooperation meeting held in Brussels in March 2015, which focused on that joint report;
- Reaffirming its commitment to create a Common European Asylum System, so that, regardless of where an asylum applicant applies for international protection, the outcome of the asylum procedure will be similar.

#### AGREES:

- With the need to create a more structured and streamlined EASO COI production process that covers all main countries of origin and thematic issues by strengthening the resources available for EASO COI production, including national resources made available within the framework of EASO's COI Network Approach, and, if needed, additional budget for EASO through redeployment of financial resources, and by sharing national COI production plans, where available;
- To the creation of a senior-level policy network, involving all Member States and coordinated by EASO, tasked with carrying out a joint assessment and joint interpretation of the situation in main countries of origin, based on common COI and in the light of the relevant provisions of the asylum acquis, in particular the Qualification Directive and the Asylum Procedures Directive, taking into account the content of EASO training material and EASO practical guides where appropriate;
- That this senior-level policy network firstly has the aim of supporting EU-level policy development based on common COI reports, by jointly interpreting these reports and delivering guidance notes to Member States, endorsed by the EASO Management Board and sent to the Council for information. Member States may use these guidance notes for making case-by-case assessments of applications for international protection from third-country nationals of the countries of origin concerned;

- That this senior-level policy network secondly has the task of improving the policy relevance of EASO COI production by proposing modifications to the terms of reference for future COI reports on countries of origin and by setting priorities for EASO COI production at EU level;
- To select Afghanistan for a pilot exercise in common policy development based on an elaborated common COI report.

INVITES EASO TO:

- Improve joint planning of COI production at EU level, taking into consideration national COI production plans, where available;
- Increase the research capacity of the EASO COI team, where needed;
- Determine, in cooperation with the senior-level policy network, how standard Terms of Reference of COI products could reflect better the relevant requirements in the Qualification Directive and the Asylum Procedures Directive, for example with regard to vulnerable groups, actors of protection, serious harm and internal protection;
- While fully respecting the boundaries between COI research and production, on the one hand, and subsequent policy conclusions, on the other, assist with further elaboration and enhancement of the EU-level process of policy development on the basis of joint COI, by setting up a structure for a policy network, including the provision of assistance with organising meetings and drafting documents under the guidance of the EASO Management Board;
- Start a pilot exercise in common policy development based on an elaborated common COI report on Afghanistan."

**Agreement on strategic cooperation between Europol and Brazil**

The Council adopted an implementing Decision approving the conclusion by the European Police Office (Europol) of the Agreement on Strategic Cooperation between the Federative Republic of Brazil and Europol ([13980/1/15 REV 1](#)).

### **Cooperation between Eurojust and Montenegro**

The Council adopted today an Implementing Decision approving the conclusion by Eurojust of an agreement on Cooperation between Eurojust and Montenegro. ([11596/15](#)).

The agreement will strengthen Eurojust capacity to work with Montenegro on issues related to the fight against serious crime.

### **Cooperation between Eurojust and Ukraine**

The Council adopted today an Implementing Decision approving the conclusion by Eurojust of an agreement on Cooperation between Eurojust and Ukraine. ([11592/15](#))

The agreement will strengthen Eurojust capacity to work with Ukraine on issues related to the fight against serious crime.

## **FOREIGN AFFAIRS**

### **Combating terrorism: Sanctions**

The Council adopted a decision updating and amending the list of persons, groups and entities subject to restrictive measures with a view to combating terrorism. One group was removed from the list.

### **Myanmar/Burma: Sanctions**

The Council extended until 30 April 2017 restrictive measures against Myanmar/Burma.

### **Croatia - Protocol to the EU-South Korea Framework Agreement**

The Council authorised the signing and provisional application of a [protocol](#) to the EU-South Korea Framework Agreement to take account of the accession of Croatia to the EU.

The [EU-South Korea Framework Agreement](#) addresses a wide range of international concerns, including non-proliferation of weapons of mass destruction, human rights, cooperation in the fight against terrorism, climate change, energy security and development assistance.

The Framework Agreement with the Republic of Korea was signed in Brussels on 10 May 2010. Croatia became a member the EU on 1 July 2013.

## **ECONOMIC AND FINANCIAL AFFAIRS**

### **San Marino - taxation agreement**

The Council approved the conclusion of an agreement with San Marino aimed at improving tax compliance by private savers.

[Press release on San Marino taxation agreement approved by EU](#)

### **Bank recovery and resolution**

The Council decided not to object to the adoption by the Commission of two regulations supplementing the bank recovery and resolution directive (directive 2014/59/EU).

The regulations are delegated acts pursuant to article 290 of the Treaty on the Functioning of the EU. The acts can now enter into force, unless the European Parliament objects.

The Council also extended the period for raising objections to the directive.

## **BUDGETS**

### **Timetable for adoption of the 2017 EU budget**

The Council approved the timetable for this year's budgetary procedure and modalities for the functioning of the Conciliation Committee, as agreed during a trilogue between the presidency, the European Parliament and the Commission held on 14 March 2016 ([7572/16](#)).

## **EUROPEAN ECONOMIC AREA**

### **Financial agreements with Liechtenstein, Norway and Iceland**

The Council adopted a decision authorising the signature, on the behalf of the EU, and the provisional application of the following instruments:

- the agreement between the EU, Iceland, Liechtenstein and Norway on an EEA financial mechanism 2014-2021;
- the agreement between Norway and the EU on a Norwegian financial mechanism for the period 2014-2021;

- the additional protocol to the agreement between the European Economic Community and Norway; and
- the additional protocol to the agreement between the European Economic Community and Iceland.

## **AGRICULTURE**

### **Pesticides - maximum residue levels**

The Council decided not to oppose the adoption of a regulation updating regulation 396/2005 as regards maximum residue levels (MRLs) for Streptomyces K61 (formerly *S. griseoviridis*), *Candida oleophila* strain O, FEN 560 (also called fenugreek or fenugreek seed powder), Methyl decanoate (CAS 110-42-9), Methyl octanoate (CAS 111-11-5) and Terpenoid blend QRD 460 (6985/16).

Regulation 396/2005 establishes the MRLs permitted in products of animal or vegetable origin intended for human or animal consumption. These MRLs include, on the one hand, levels which are specific to particular foodstuffs intended for human or animal consumption and, on the other, a general limit which applies where no specific level has been set. MRL applications are communicated to the European Food Safety Authority (EFSA) which issue a scientific opinion on each intended new MRL. Based on EFSA's opinion, the Commission proposes a regulation to establish a new MRL or to amend or remove an existing MRL and modifying the annexes of regulation 396/2005 accordingly.

This Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent the Commission may adopt it, unless the European Parliament objects.

## **ENVIRONMENT**

### **Water quality in the Danube river basin**

The Council adopted conclusions (7144/16 + COR1) on a special report from the European Court of Auditors entitled "Water quality in the Danube river basin: progress in implementing the water framework directive but still some way to go" (5738/16).

## **Long-range air pollution: acceptance of amendments**

The Council adopted two decisions concerning long-range transboundary air pollution:

- A decision ([8648/15 +COR1 +ADD1 +ADD1 COR1](#)) to accept the amendments to the 1998 Protocol on Heavy Metals, to which the EU is a party. This is one of the protocols to the 1979 Convention on Long-Range Transboundary Air Pollution. The amendments concerned were adopted by consensus in 2012 by the executive body of the Convention and are included in the annex to the decision.
- A decision ([8651/15 + COR1 +ADD1 +ADD1 COR1 + ADD2 + ADD2 COR1](#)) to accept the amendments to the 1998 Protocol on Persistent Organic Pollutants (POPs), to which the EU is a party. This is also one of the protocols to the 1979 Convention on Long-Range Transboundary Air Pollution. The amendments concerned were adopted by consensus in 2009 by the executive body of the Convention and are included in the annexes to the decision.

## **INTERNAL MARKET**

### **Cosmetic products: Ethyl Lauroyl Arginate HCl - Carbon Black - titanium dioxide**

The Council decided not to oppose the adoption by the Commission of three regulations amending [regulation 1223/2009 on cosmetic products](#) concerning the use of:

- Ethyl Lauroyl Arginate HCl ([6300/16](#) and [6300/16 ADD 1](#))
- Carbon Black ([6783/16](#) and [6783/16 ADD 1 REV 1](#))
- Titanium dioxide ([6779/16](#) and [6779/16 ADD 1](#))

The draft Commission regulations are subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent the Commission may adopt them unless the European Parliament objects.

## **CUSTOMS UNION**

### **Union Customs Code - corrections to transitional rules**

The Council decided not to object to Commission corrections to three regulations that supplement regulation 952/2013 as regards transitional rules of the Union Customs Code:

[\(7613/16\)](#) and [7613/16 ADD 1](#) [\(7604/16\)](#) [\(7145/16\)](#)

The [Union Customs Code](#) will serve as the new framework for customs throughout the Union. It will streamline and simplify procedures and facilitate more efficient customs transactions in line with modern-day needs; complete the shift by customs authorities to a fully-electronic environment and reinforce swifter customs procedures for compliant and trustworthy economic operators.

The new code will become applicable as from 1 May 2016, once the necessary Commission delegated and implementing acts are in force before that date.

## **TRANSPARENCY**

### **Access to documents**

On 21 April 2016, the Council approved:

- the replies to confirmatory applications
  - a) No 06/c/01/16 [\(7229/16\)](#)
  - b) No 07/c/01/16 [\(7233/1/16 REV 1\)](#)

## **APPOINTMENTS**

### **Court of Auditors**

The Council appointed the following persons as members of the European Court of Auditors for the period running from 7 May 2016 to 6 May 2022:

- Mr Jan Gregor (Czech Republic)
- Mr Mihails Kozlovs (Latvia)
- Mr Janusz Wojciechowski (Poland)
- Mr Samo Jereb (Slovenia)
- Mr Ladislav Balko (Slovak Republic)

Mr Balko is re-appointed as member of the Court of Auditors. The remaining persons are new members of the Court.

In total, the term of office of nine Court members expire on 6 May 2016. The Court members from Estonia, Hungary, Lithuania and Malta still need to be appointed.

The Court of Auditors is made up of 28 members, one from each member state, appointed for a renewable term of six years. The members elect one of their number as president for a renewable term of three years.

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