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## OUTCOME OF THE COUNCIL MEETING

3416th Council meeting

### Foreign Affairs

Luxembourg, 12 October 2015

President **Federica Mogherini**  
High Representative for Foreign Affairs and Security  
Policy

# P R E S S

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- 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**

### **Libya**

The Council adopted the following conclusions:

"The EU welcomes and fully supports the Libyan Political Agreement that the UN SRSG Bernardino Leon presented to Libyan delegates in Skhirat on 8 October. It expresses appreciation to all those who have constructively participated in the negotiations over many months, demonstrating a sense of responsibility and leadership. It equally welcomes the nomination of senior figures for the new Government of National Accord who will now have the responsibility to form a cabinet and oversee the swift implementation of the agreement.

The EU calls on all Libyan parties to quickly approve and support this deal so that Libya can take the path of peace and prosperity. This is the only way to meet the aspirations of the Libyan people. The EU recognises that this will be an important first step in returning Libya on the path towards peaceful transition, but it is a step that is essential to take now. Those tempted to obstruct this agreement will be held responsible.

The EU is ready to work in close partnership with the new Government of National Accord, once it is formed, to offer immediate and substantial support in a number of different areas defined together with the Libyan authorities."

## **Syria**

The Council adopted the following conclusions:

- "1. The conflict in Syria and the suffering of the Syrian people is showing no sign of abating. The scale of the tragedy, having killed 250,000 men, women and children, displaced 7.6 million inside the country and sent over 4 million fleeing into neighbouring and other countries, is now the world's largest humanitarian disaster, with no parallel in recent history. The EU, as the largest donor, has demonstrated its willingness and commitment to do what it can to alleviate the humanitarian consequences. As the crisis intensifies there is an increasingly urgent need to find a lasting solution that will end this conflict. Only a Syrian-led political process leading to a peaceful and inclusive transition, based on the principles of the Geneva communiqué of 30 June 2012, will bring back stability to Syria, enable peace and reconciliation and create the necessary environment for efficient counter terrorism efforts and maintain the sovereignty, independence, unity and territorial integrity of the Syrian State. There cannot be a lasting peace in Syria under the present leadership and until the legitimate grievances and aspirations of all components of the Syrian society are addressed.
2. The EU's objective is to bring an end to the conflict and enable the Syrian people to live in peace in their own country. The international community has to unite around two complementary and interlinked tracks – a political one that aims to bring an end to the civil war by addressing all the root causes of the conflict and establish an inclusive political transition process that will restore peace to the country – and a security one to focus on the fight against the regional and global threat of Da'esh.
3. The EU reiterates its full support to the UN-led efforts and the work of UN Special Envoy Staffan de Mistura to build this political track. The EU emphasizes the need to accelerate the work of the entire international community on the political track in the framework of the UN-led process. The EU is already actively contributing to the UN initiatives and will increase its diplomatic work in support of the UN-led efforts, including the UN Special Envoy's proposal for intra-Syrian working groups.
4. We call on all Syrian parties to show a clear and concrete commitment to the UN-led process and to participate actively in the working groups. The EU underlines the urgency for the moderate political opposition and associated armed groups to unite behind a common approach in order to present an alternative to the Syrian people. These efforts must be inclusive involving women and civil society. The EU will sustain its support to the moderate opposition, including the SOC, and recalls that it is a vital element in fighting extremism and has a key role to play in the political transition.

5. The EU will continue to put all of its political weight, actively and effectively, behind UN-led international efforts to find a political solution to the conflict, and calls on regional and international partners to do likewise. We urge all those with influence on the parties, including on the Syrian regime, to use this influence to encourage a constructive role in the process leading to a political transition and to end the cycle of violence. The EU will proactively engage with key regional actors such as , Saudi Arabia, Turkey, Iran, Iraq and international partners within the UN framework to build the conditions for a, peaceful and inclusive transition. In this context, the Council recalls its decision to task the HRVP to explore ways in which the EU could actively promote more constructive regional cooperation.
6. The protection of civilians in Syria must be a priority for the international community. The EU condemns the excessive, disproportionate and indiscriminate attacks that the Syrian regime continues to commit against its own people. The Assad regime bears the greatest responsibility for the 250.000 deaths of the conflict and the millions of displaced people. The EU recalls that international humanitarian law applies to all parties, and human rights need to be fully respected. We call on all parties to stop all forms of indiscriminate shelling and bombardment against civilian areas and structures such as hospitals and schools and, in particular, on the Syrian regime to cease all aerial bombardments, including the use of barrel bombs in line with UNSC Resolution 2139 and the use of chemical weapons in line with UNSCR 2209. The systematic targeting of civilians by the regime has led to mass displacements and encouraged recruitment to and the flourishing of terrorist groups in Syria. This calls for urgent attention and action.

The EU will reinforce its efforts to scale up the implementation of the UNSC Resolutions 2139, 2165 and 2191 to deliver cross-border and cross line assistance in order to help those Syrians most desperately in need.

7. The EU strongly condemns the indiscriminate attacks, atrocities, killings, conflict-related sexual violence, abuses of human rights and serious violations of international humanitarian law which are perpetrated by Da'esh and other terrorist groups, against all civilians, including against Christians and other religious and ethnic groups. The EU supports international efforts and initiatives to address these issues. The EU condemns Da'esh's deliberate destruction of cultural heritage in Syria and Iraq, which amount to a war crime under international law.
8. Those responsible for war crimes and crimes against humanity in Syria must be held accountable. The EU expresses its deepest concern about the findings of the Independent International Commission of Inquiry on Syria. The allegations of torture and executions based on the evidence presented by the Caesar report are also of great concern. The EU reiterates its call to the UN Security Council to refer the situation in Syria to the International Criminal Court.
9. The EU supports the efforts of the Global Coalition to counter Da'esh in Syria and Iraq. As a consequence of its policies and actions, the Assad regime cannot be a partner in the fight against Dae'sh. Action against Da'esh needs to be closely coordinated among all partners, and needs clearly to target Da'esh, Jabhat al-Nusra, and the other UN-designated terrorist groups.

10. The recent Russian military attacks that go beyond Dae'sh and other UN-designated terrorist groups, as well as on the moderate opposition, are of deep concern, and must cease immediately. So too must the Russian violations of the sovereign airspace of neighbouring countries.

This military escalation risks prolonging the conflict, undermining a political process, aggravating the humanitarian situation and increasing radicalization. Our aim should be to de-escalate the conflict. The EU calls on Russia to focus its efforts on the common objective of achieving a political solution to the conflict. In this context it urges Russia to push for a reduction of violence and implementation of confidence-building measures by the Syrian Regime along the provisions of UNSC Resolution 2139.

11. The EU will intensify humanitarian diplomacy and seek ways to improve access and protection as well as to promote humanitarian principles and local consensus on guidelines for the delivery of aid.
12. The EU has substantially increased its financial efforts to support those who have fled the conflict, within and outside Syria, with new commitments to humanitarian aid and to longer-term work supporting the resilience of refugees in the neighbourhood. The EU and its Member states have already provided €4 billion for relief and recovery assistance to those affected by the conflict inside Syria and refugees and host communities in neighbouring countries. The EU and its Member States will continue to provide humanitarian assistance through the UN, ICRC and international NGOs. At the same time, the EU will increase its longer-term development and stabilization assistance, to these and other partners, including through the EU Regional Trust Fund recently established in response to the Syrian Crisis (the "Madad Fund") which has now been equipped with over €500 million in EU funding to be matched by efforts from EU Member States and other countries. The EU calls on other countries to sustain and increase their own contributions in response to the Syria crisis. The Council agreed specifically on the need to increase the level of cooperation and partnership with Lebanon, Jordan and Turkey to ensure equal access to shelter, education, health and livelihoods for refugees and their host communities with the support of additional EU assistance."

## Migration

The Council adopted the following conclusions:

- "1. The unprecedented migratory and refugee crisis that the EU is now facing has witnessed a sharp increase of mixed migratory flows along the Eastern Mediterranean and Western Balkans, in parallel with a constant flow along the Central Mediterranean route. The Western Balkans have been under increasing pressure while other partners and neighbouring countries<sup>1</sup> of the EU have been bearing the brunt of the crisis, particularly Jordan, Lebanon, Turkey and Iraq, which are hosting the vast majority of Syrian refugees and Iraqi Internally Displaced Persons.
2. The crises in and beyond our neighbourhood are at the very heart of forced displacement, exacerbated by other negative factors such as poverty, violations of human rights and poor socio-economic development, and confirm the need of a comprehensive and balanced external migration and asylum policy for the EU. In this respect, the Council welcomes the Joint Communication of the HRVP and the Commission of 9 September on "Addressing the Refugee Crisis in Europe: The role of EU External Action", and the actions outlined thereof as a basis for further work. In this context, the Council reaffirms its full commitment to human rights, including to the situation of women and girls as well as other vulnerable persons and groups.
3. The Council confirms its commitment to mobilise all appropriate instruments and policies and support efforts to address the root causes of migratory flows, in particular conflicts, political instability, human rights violations, poor socio-economic development, including lack of employment opportunities, poor governance and climate change. In this regard, the Council continues to support diplomatic initiatives by the UN to find solutions to the conflicts in Syria and Libya, underpinned by efforts of the HRVP, the Commission and Member States.
4. The Council reaffirms the importance of close cooperation with first countries of asylum, countries of origin and transit to jointly address this common challenge.

In this regard, the Council recalls actions undertaken by the HRVP, the Commission and Member States to step up support to Jordan, Lebanon and Turkey as well as the Western Balkans. The Council welcomes the results of the High Level Conference on the Eastern Mediterranean / Western Balkans route on 8 October 2015 in Luxembourg, endorses its Declaration and calls for its swift and full implementation and follow up.

5. The Council considers essential to step-up EU-Turkey cooperation on support of refugees and migration and looks forward to an agreement with Turkey as part of a comprehensive agenda based on mutual commitments. The Council supports the ongoing work aiming at setting up an Action Plan and looks forward to discussing it with a view to reaching an agreement on it.

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<sup>1</sup> The use of the term 'countries' or 'borders' in Council conclusions does not imply recognition of statehood.

6. The Council welcomes the decision to substantially increase the funding of the EU Regional Trust Fund recently established in response to the Syrian crisis (the "Madad Fund") with over 500 EUR million in EU funding to be matched by efforts from EU Member States and other countries. The extension of its scope to the Western Balkans is being proposed.
7. The Council recalls the importance to engage in a comprehensive dialogue with African countries of origin and transit in order to jointly manage migration and asylum flows in the spirit of partnership, ownership and shared responsibility. In this regard, the Council welcomes the efforts by the Presidents of the European Council, the Commission and the Presidency of the Council of the EU, in close cooperation with the HRVP, in preparation of the Valletta Summit on 11 and 12 November and encourages all those involved to find comprehensive and balanced solutions and make substantial progress on all priority domains of the draft Action Plan. The Council looks forward to an early finalisation of the draft Action Plan and underlines the importance of participation at the highest levels on both sides.
8. In this context, the Council calls for a closer engagement with African partners through the EU-Africa Migration and Mobility continental dialogue, the EU's regional strategies (Sahel, Horn of Africa, Gulf of Guinea) and dialogues (Rabat, Khartoum) and the Cotonou Partnership Agreement in view of tackling jointly current challenges through humanitarian aid, development policy and assistance as well as efforts aiming at ensuring stability and strengthening resilience. It further welcomes the progress made towards the setting up of an Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced people in Africa; and recalls the need to increase its funding through additional contributions by Member States.
9. The Council encourages the ongoing High Level Dialogues on migration with key countries along the main migratory routes to Europe as pursued by the HRVP and other relevant Commissioners, in close cooperation with Member States. These high-level dialogues on the broad agenda on migration and asylum should be carried out in a spirit of partnership and should help identify leverage and enhance cooperation, in particular on readmission. All tools shall be mobilised to increase cooperation on return and readmission, thus giving readmission a central place in all dialogues with countries of origin of irregular migrants.

The Council reiterates its call on the Commission, together with the EEAS, to propose, within six months, comprehensive and tailor-made packages to reinforce overall cooperation with third-countries in order to implement effectively readmission and returns. These dialogues will be also key instrument to pursue further implementation of the outcomes achieved in the Luxembourg High Level Conference on the Eastern Mediterranean/Western Balkans route and the Valetta Summit.

In this regard, it takes note in particular of the HRVP's fruitful discussions with the Foreign Affairs Ministers of the G5 Sahel on 17 June and with Niger on 17-18 September, with Senegal and Ethiopia in the margins of the UNGA in New York on 29 September as well as the forthcoming discussions again with Ethiopia and the African Union Commission in Addis Ababa on 20 October.



10. The Council welcomes the swift deployment of European Migration Liaison Officers in EU Delegations which will be an important contribution to the cooperation with key partners.
11. The Council welcomes the enhanced support to UNHCR, WFP and other programmes and specialised agencies as decided by the extraordinary European Council of 23 September. In this respect and as set out in the Commission's Communication of 9 September, it calls for the further reinforcement of cooperation with key international partners and with the United Nations, in particular UNHCR, UN OCHA, UNDP, as well as with organisations such as the IOM and the ICRC. In that regard, the European Union calls on the international community to step up its efforts in addressing the current crisis.
12. The Council reiterates that the fight against criminal networks of traffickers and smugglers remains a priority and welcomes the transition to the second phase of EUNAVFOR MED Operation SOPHIA on the high seas, as laid down in point (b)(i) of Article 2(2) of Decision (CFSP) 2015/778, which is an important and timely step in disrupting the migrant smuggler's business model, and welcomes the adoption of UNSC Resolution 2240 on 9 October. The Council invites the HRVP to continue work in order to allow the transition to the successive phases of the operation.
13. The Council equally welcomes the reinforcement of EUCAP Sahel Niger that is enabling further the crucial work done to support the Nigerien authorities to prevent, control and manage irregular migration through Niger and in particular in Agadez, together with the quickly setting up of the pilot multi-purpose centre and the support to the Niger Government. In this framework, ways to reinforce the EUCAP Sahel missions could be explored.
14. The Council underlines that a solution to the Libyan conflict remains crucial to any effort in addressing migratory flows through the Central Mediterranean and recalls that the EU stands ready to resume support to the Libyan authorities to address irregular migration, especially in the area of border management and the fight against trafficking of human beings.
15. The Council supports the HRVP and the Commission in their continued work to implement swiftly the above agenda, in close cooperation with Member States, and calls on them to continue to reinforce the external dimension of the EU migration policy, including through engaging with other partners of the international community and stepping up cooperation with third countries of origin and transit."

## **EU-ACP relations post 2020**

The Council discussed the future relations between the EU and the African, Caribbean and Pacific (ACP) countries in view of the expiry of the Cotonou agreement in 2020. Ministers had a preliminary discussion on the relationship the EU wants to have with the ACP countries and on what would be the best successor arrangement to advance joint interests after 2020.

A first in-depth discussion on the development dimension of the future relationship is foreseen between the ministers for development cooperation at the Council meeting of 26 October. The basis for the discussions is the [joint consultation paper](#) adopted by the High Representative for Foreign Affairs and Security policy and the Commission on 6 October 2015.

**OTHER ITEMS APPROVED****FOREIGN AFFAIRS****Bosnia and Herzegovina**

The Council approved the following conclusions on Bosnia and Herzegovina:

- "1. The Council reiterates its unequivocal commitment to Bosnia and Herzegovina's EU perspective as a single, united and sovereign country. In this context, the Council welcomes the adoption in July 2015 of the Reform Agenda by Bosnia and Herzegovina authorities, which marks an important step for the credible implementation of the commitments undertaken by Bosnia and Herzegovina's leadership. The Council calls on Bosnia and Herzegovina's leadership to maintain positive momentum in implementing the reforms, in line with citizens' demands and in cooperation with civil society. Meaningful progress on the implementation of the agenda for reforms will be necessary for a membership application to be considered by the EU, in line with previous Council Conclusions.
2. Following the entry into force of the Stabilisation and Association Agreement (SAA), Bosnia and Herzegovina should fully uphold its commitments and obligations under this Agreement, including those relating to the adaptation of the SAA.
3. The Council expresses its serious concern about the preparations for holding an entity-level referendum on the state-level judiciary in Republika Srpska. The holding of such a referendum would challenge the cohesion, sovereignty and territorial integrity of Bosnia and Herzegovina. It would also risk undermining the efforts to improve the socio-economic situation of all Bosnia and Herzegovina citizens and to make further progress in EU integration. The outstanding shortcomings of Bosnia and Herzegovina judiciary should be addressed in the structured dialogue on justice.
4. The EU will continue using all available instruments to support Bosnia and Herzegovina in moving forward in reforms and on its EU path.
5. The Council welcomes the continued presence of Operation Althea, which retains the capability to contribute to the Bosnia and Herzegovina authorities' deterrence capacity if the situation so requires while focusing on capacity building and training. In this context, as part of the overall EU strategy for Bosnia and Herzegovina, the Council confirms the EU's readiness to continue at this stage an executive military role to support Bosnia and Herzegovina's authorities to maintain the safe and secure environment, under a renewed UN mandate.

6. It reiterates its agreement to keep the operation under regular review, with a view to assessing progress on the conditions conducive to the delivery of its mandate. In this context, furthering the efforts of Operation Althea in the field of capacity building and training could be considered.
7. The EU at the same time encourages the authorities of Bosnia and Herzegovina, with the support of the international community, to accelerate their efforts to address the disposal of excess ammunition and other outstanding issues."

## South Sudan

The Council approved the following conclusions on South Sudan:

- "1. The signature of the South Sudan peace agreement marks an important step forward. It offers a unique opportunity for this war-torn country to move towards a future of stability and of responsible government in the interests of its citizens. The EU welcomes the signature and the stated commitment of the parties to engage in a political process, which is key to achieving reconciliation and lasting peace. The agreement needs to be implemented in a timely, full, effective and inclusive way, involving all segments of society, including women as important agents of change. A sound transitional process will be essential to rebuild the country.
2. The EU urges all parties to respect the ceasefire and refrain from all actions which contradict the letter and spirit of the agreement. We are concerned by the recent announcement by the government of its intention to increase the number of federal states in the country as well as the reluctance of the opposition to commit to the implementation of the security arrangements and the recent outbreaks of fighting in Unity State. We recall the urgent necessity for all South Sudanese stakeholders to recommit to the implementation of the agreement. Spoilers on all sides undermining the agreement will be held responsible for the consequences of their actions.
3. The EU salutes the efforts of international and regional actors, in particular the Intergovernmental Authority for Development (IGAD) and the African Union (AU), which were key to reaching this deal. The EU also welcomes the AU's decision to publish the Commission of Inquiry reports and to take the necessary steps to establish the Hybrid Court of South Sudan as well as the AU Peace and Security Council's 26 September 2015 call for the implementation of the agreement. Preserving the unity of purpose within the region is essential and we look forward to their continued leadership in the implementation phase, as well as to an updated role for the United Nations Mission in South Sudan (UNMISS). To support this, it is important that the new oversight bodies, especially the Joint Monitoring and Evaluation Commission (JMEC) are quickly established. Strong monitoring with South Sudanese civil society, regional and international representation is vital to ensure that all stakeholders respect the agreement.

4. The humanitarian situation in the country remains disastrous. 2.2 million people have been displaced both inside and outside the country. Over four and a half million people have faced severe food insecurity in the past four months. The renewed fighting, if prolonged, would increase the likelihood of famine in the most affected areas. Delays in the delivery of urgently needed humanitarian assistance cannot be tolerated. The EU urges all parties to ensure immediate, full and unconditional humanitarian access.
5. South Sudan's population has experienced over the past 18 months horrific violations and abuses of human rights. The violence and abuses against women and children are deeply shocking and must be ended, prevented and investigated without delay. There can be no lasting peace without accountability for the crimes committed by both sides during the conflict. The transitional justice mechanisms outlined in the peace agreement must be implemented as a matter of priority, and those responsible for violations and abuses held to account. South Sudan has to fulfil its obligations under international law.
6. The EU is ready to step up its engagement, in close coordination with the international community, to support the implementation of the agreement and calls on South Sudan to ratify the Cotonou Partnership agreement. We will continue our development assistance targeting the direct needs of the people, including basic services throughout the country, as we consider that these activities are fundamental to the creation of a peaceful, stable and prosperous country. We also stand ready to work with the Transitional Government of National Unity to establish the transitional institutions and to develop sound policies essential for the rebuilding of the country, in particular to ensure the responsible, transparent and equitable management of South Sudan's vast resources. It is imperative that these resources are used for the benefit of the entire population."

### **Opening of negotiations of a framework agreement with Armenia**

The Council authorised the European Commission and the High Representative to open negotiations on a new, legally binding and overarching agreement with Armenia, and adopted the corresponding negotiating mandate. This agreement will replace the current EU-Armenia partnership and cooperation agreement.

The EU is committed to further developing and strengthening comprehensive cooperation with Armenia in all areas of mutual interest within the Eastern Partnership framework. The official launching of negotiations is envisaged as taking place before the end of the year.

### **EU-Chile Association Committee - amendment of the agreement**

The Council amended the agreement establishing the association between the EU and Chile. The amendment brings the product -specific rules specified in the agreement into line with the latest version of the harmonised commodity description and coding system.

## **FOREIGN POLICY**

### **Non-proliferation of weapons of mass destruction**

The Council decided to extend until the end of April 2016 the validity of an existing Council Decision ([2013/391/CFSP](#)) in support of the practical implementation of UN Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery. The measures in support of the practical implementation of the resolution were initially authorised on 22 July 2013 for a period of 24 months. The implementation period is extended until 25 April 2016.

Through Resolution 1540 (2004), the UN Security Council established binding obligations for all States aimed at preventing and deterring non-State actors from obtaining access to weapons of mass destruction and weapon-related material. The extension agreed upon by the Council will make it possible for the European Union to help finance some remaining projects in support of the UN Security Council Resolution 1540 (2004), without changing the budget ceiling set for the original Council Decision.

### **Strategy against proliferation of weapons of mass destruction**

The Council decided to continue the EU's support for the activities of the preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) in order to strengthen its monitoring and verification capabilities and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction. The decision will promote the universalization and entry-into-force of the Treaty. It will contribute to the operation and sustainment of the CTBTO verification system and to the development of operational capabilities.

### **Restrictive measures in view of the situation in Syria**

The Council amended the restrictive measures in view of the situation in Syria. The decision introduces a designation criteria based on the status of persons involved in the violent repression against the Syrian population, as well as those supporting, benefiting from and exercising influence over the regime. This status-based approach for listings will complement the existing conduct-based approach. All listing decisions will continue to be made on an individual and case -by -case basis, taking into account the proportionality of the measure.

### **Restrictive measures with a view to combating terrorism**

The Council amended the statements of reasons for persons and groups subject to restrictive measures with a view to combating terrorism. The amendments concern nine individuals and seven groups and are part of a regular review procedure.

## **COMMON SECURITY AND DEFENCE POLICY**

### **European Defence Agency - statute, seat and operational rules**

The Council approved a recast version of [decision 2011/411/CFSP](#), which established the [European Defence Agency](#), to improve the clarity of the legal text.

The EDA was set up in 2004 to support its Member States in the development of their defence capabilities and to strengthen their defence industrial and technological base. The agency is located in Brussels, Belgium.

### **Operation ALTHEA**

The Council approved the High Representative's reports on the twenty-first and twenty-second Operation ALTHEA six-monthly review.

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