



Council of the
European Union

Brussels, 11 March 2016
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6510/16
ADD 1

PV/CONS 9
JAI 128
COMIX 150

DRAFT MINUTES

Subject: **3450th** meeting of the Council of the European Union (**JUSTICE AND HOME AFFAIRS**), held in Brussels on 25 February 2016

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LEGISLATIVE DELIBERATIONS

"B" ITEMS (doc. 6332/1/16 REV 1 OJ CONS 9 JAI 115 COMIX 132)

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¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

2. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the reinforcement of checks against relevant databases at external borders [First reading]

= General approach

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The Council adopted the general approach on the proposal set out in doc. 6673/16.

Slovenia made a statement which is set out hereafter.

Statement by Slovenia

"The Republic of Slovenia reaffirms its commitment to implement the provisions of the Schengen Border Code (hereinafter the Code) introducing strengthened checks on persons travelling beyond external borders of Member States, especially on those enjoying the right of free movement under Union law. While the purpose of exercising border checks in this manner is expected to deliver an improvement to control of external borders, to increase Member States' internal security and to prevent terrorism, this will also have other consequences.

By this declaration, Slovenia wishes to draw attention to the potential consequences that will follow from consistent implementation of Article 7(2) of the Code.

The Republic of Slovenia, as a country whose territory is one of the most heavily burdened entry and exit areas enabling access to Member States¹, is fully aware of its responsibility of carrying out border control in the interest of all Member States. In Slovenia's view, checks carried out systematically on all persons making their entry/exit at external borders, including those enjoying the right of free movement under Union Law, without taking into consideration – what we believe to be – justified exemptions, is a disproportionate measure in relation to the pursued objective of the change.

The implementation on the scale as specified in Article 7 (2) of the Code will have an adverse effect on passenger flows at external borders as it will also have financial implications for Member States. Slovenia cannot be held ultimately accountable for such outcomes.

¹ Relevant statistics:
– In 2014: 56.534.196 passengers crossed external Schengen border, of those 29.440.167 EU citizens;
– First half of 2015: 25.553.253 passengers, of those 13.264.351 EU citizens.

Moreover, Slovenia emphasizes sufficient time should be provided for the implementation of the amendments of the Code after its adoption and publication in the Official Journal. A new system will require adaptation both in terms of human resources and in terms of technical equipment at the external borders.

Slovenia also calls upon the European Commission to assess in two years' time of the implementation of the Code the impact and make proposals for amendments based on the results of such an assessment."

3. Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC [First reading]

= Progress report

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+ COR 1

The Council took note of the outcome of the debate at the meeting of the Mixed Committee at Ministerial level (doc. 6705/16 JAI 178 COMIX 172).

4. Any other business

No issues were raised under this item.