



**COUNCIL OF
THE EUROPEAN UNION**



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Justice and Home Affairs

Brussels, 21 September 2009

President

Tobias BILLSTRÖM
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P R E S S

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Main results of the Council

*Ministers welcomed the Commission communication on the establishment of a voluntary **joint EU resettlement programme** for refugees in third countries and a related proposal amending the existing rules on the **European Refugee Fund** for the period 2008 to 2013. In a more general discussion, the Council also talked about the principles which should underlie the EU's **asylum policy** covering both existing and forthcoming proposals in this field.*

*The Council also discussed the issues raised by the arrival of **unaccompanied minors** with a view to the development of an action plan early in 2010.*

*Ministers also discussed a report by the Commission on the follow-up to the **European Council conclusions** of 18/19 June 2009. The debate focused on the proposed **pilot project for Malta on internal reallocation** of beneficiaries of international protection as well as on the role and development of **Frontex operations**, especially in the Mediterranean region.*

*The Council adopted conclusions on the Commission guidelines for the better transposition and application of the directive on the **free movement of EU citizens**.*

*In the margin of the Council, the **Mixed Committee** (the EU plus Norway, Iceland, Liechtenstein and Switzerland) examined the state of play of the **Visa Information System (VIS)**.*

*Over lunch, ministers met **António Guterres**, the United Nations High Commissioner for Refugees (UNHCR), for an exchange of views on asylum issues. Commission Vice-President **Jacques Barrot** briefed ministers on the state-of-play regarding **visa reciprocity**. Particular attention was given to the **Canadian visa requirements** for Czech nationals.*

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¹ 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.

PARTICIPANTS

The governments of the Member States and the European Commission were represented as follows:

Belgium:

Mr Melchior WATHELET

State Secretary attached to the Minister for Justice

Bulgaria:

Mr Tsvetan TSVETANOV

Deputy Prime Minister and Minister for the Interior

Czech Republic:

Ms Lenka PTÁČKOVÁ MELICHAŘOVÁ

Deputy Minister for the Interior

Denmark:

Ms Birthe Rønn HORNBECH

Minister for Refugee, Immigration and Integration Affairs

Germany:

Mr Wolfgang SCHÄUBLE

Federal Minister for the Interior

Estonia:

Mr Marko POMERANTS

Minister for the Interior

Ireland:

Mr Dermot AHERN

Minister for Justice, Equality and Law Reform

Greece:

Mr Patrocios GEORGIADIS

Secretary-General, Ministry of the Interior

Spain:

Mr Alfredo PÉREZ RUBALCABA

Ms María Consuelo RUMÍ IBÁÑEZ

Minister for the Interior

State Secretary for Immigration and Emigration

France:

Mr Eric BESSON

Minister for Immigration, Integration, National Identity and Development Solidarity

Italy:

Mr Nitto Francesco PALMA

State Secretary for the Interior

Cyprus:

Mr Neoklis SYLKIOTIS

Minister for the Interior

Latvia:

Mr Normunds POPENS

Permanent Representative

Lithuania:

Mr Raimundas PALAITIS

Minister for the Interior

Luxembourg:

Mr Nicolas SCHMIT

Minister for Labour, Employment and Immigration

Hungary:

Ms Judit LÉVAYNÉ FAZEKAS

State Secretary, Ministry of Justice and Law Enforcement

Malta:

Mr Carmelo MIFSUD BONNICI

Minister for Justice and Home Affairs

Netherlands:

Mr Ernst HIRSCH BALLIN

Minister for Justice

Austria:

Ms Maria FEKTER

Federal Minister for the Interior

Poland:

Mr Piotr STACHAŃCZYK

Deputy State Secretary, Ministry of the Interior and Administration

Portugal:

Mr Rui PEREIRA

Minister for the Interior

Romania:

Mr Dan NICA

Deputy Prime Minister, Minister for Administration and the Interior

Slovenia:

Ms Katarina KRESAL

Minister for the Interior

Slovakia:

Mr Maroš ŠEFČOVIČ

Permanent Representative

Finland:

Ms Astrid THORS

Minister for Migration and European Affairs

Sweden:

Mr Tobias BILLSTRÖM

Minister for Migration

United Kingdom:

Mr Alan JOHNSON

Secretary of State for the Home Department

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Commission:

Mr Jacques BARROT

Vice-President

ITEMS DEBATED

JOINT EU RESETTLEMENT PROGRAMME

The Council welcomed the Commission's recent communication on a joint EU resettlement programme ([12986/09](#)) and a related proposal amending Council decision No [573/2007/EC](#) on the European Refugee Fund (ERF) for the period 2008 to 2013.

Ministers broadly supported the idea of moving towards a joint EU resettlement programme. They subscribed to the overall goal of closer political and practical cooperation among member states, so as to improve the effectiveness and cost-efficiency as well as the humanitarian and strategic impact of their resettlement activities. At the same time, they underlined the importance that the programme should work on a strictly voluntary basis.

The Commission proposal foresees to establish every year common priorities on resettlement which could apply to geographic regions and nationalities as well as to specific categories of refugees. Member states would then decide if and to what extent they participate in the joint EU resettlement programme in a given year. Those that decide to take part would receive financial assistance of EUR 4.000 per resettled person from the European Refugee Fund.

Among the issues that required further examination was the question of how these annual priorities will be determined.

The Council welcomed the Commission's plans to involve the European Asylum Support Office (EASO) in the joint EU resettlement programme. The EASO is expected to be set up in the coming months and become operational in 2010. Its role would be to carry out concrete activities with the member states, such as selection and fact-finding missions, pre-departure orientation programmes, medical screenings, travel or visa arrangements.

To take work forward, ministers requested the relevant Council bodies to examine the proposals more in detail. As the amendments to the European Refugee Fund (ERF) decision is a matter of co-decision, the Council also looks forward to close cooperation with the European Parliament.

ASYLUM ISSUES

At the request of Germany, the Council had a general debate on the principles which should underlie EU asylum legislation. Ministers made reference to legislative proposals already under discussion as well as two proposals which the Commission is expected to table shortly. These upcoming proposals will deal with qualification and status as a refugee or a person otherwise in need of international protection and with procedures for granting and withdrawing refugee status.

Ministers were confident that further work on the legislative proposals would benefit from their discussion and the evaluation of how the current European legislation on asylum issues is implemented.

The outstanding two proposals mentioned above will complement five other legislative acts in the area of asylum which are already under negotiation: the Dublin regulation, the EURODAC regulation, the reception conditions directive, the European Asylum Support Office and the amendment of the European Refugee Fund.

This package of measures stems from the commitments undertaken in the Hague Programme and the European Pact on Immigration and Asylum adopted by the European Council in October 2008. Its purpose is to complete the Common European Asylum system, including a single asylum procedure comprising common guarantees and a uniform status for refugees, by 2012 at the latest.

UNACCOMPANIED MINORS

The Council discussed the subject of unaccompanied minors coming to and seeking asylum within the EU.

Ministers confirmed that this subject represents an important challenge for member states and raises issues of common concern. It was agreed that all member states would benefit from the development of common approaches and increased cooperation with countries of origin, including cooperation to facilitate minors' return.

Areas identified as requiring particular attention included the exchange of information and good practice, cooperation with countries of origin, the question of age assessment techniques and family tracing, and the need to pay particular attention to unaccompanied minors in the context of the fight against human trafficking.

To facilitate the development of better cooperation and common approaches, ministers requested the relevant Council preparatory bodies, as well as the Commission, to take forward work already underway in order to get the most complete picture possible. In particular, they requested the Commission to present the action plan on unaccompanied minors mentioned in its communication "An area of freedom, security and justice serving the citizen" ([11060/09](#)) by early 2010.

This action plan should supplement the relevant legislative and financial instruments and combine measures directed at both protection and prevention. The best interests of the children concerned should continue to be the EU's guiding principle.

FOLLOW-UP TO EUROPEAN COUNCIL CONCLUSIONS

After a presentation by the Commission, ministers exchanged views on the actions taken in the area of illegal immigration since the European Council adopted its conclusions on 18/19 June 2009 ([11225/09](#)).

The European Council conclusions identified a number of concrete measures on which the Council and the Commission were asked to take work forward. These include the development of a pilot project providing for the voluntary reallocation of beneficiaries of international protection present in Malta, the rapid establishment of the European Asylum Support Office and the intensification of work with countries of origin and transit with respect to illegal immigrants.

Ministers welcomed the progress made while confirming the need for work to continue. On Malta, a number of member states confirmed that they are ready to reallocate a group of beneficiaries of international protection currently present in that country. Others expressed their interest in participating in the project but said they needed more information on the practical issues before a final decision could be taken.

Regarding Frontex, the Council discussed possible next steps on how to reinforce Frontex actions, especially in regard to the Mediterranean. Among the possible measures discussed were Frontex partnerships with third countries of transit and of origin based on reciprocal requirements and operational support, tighter checks at the external maritime borders, systematic involvement of Frontex in joint return flights and the establishment of regional specialized Frontex offices.

At the same time, ministers reaffirmed the importance of the main principle of EU migration policy: ensuring that those concerned have access to the guarantees provided by the right to asylum.

The European Council of October will be informed about further developments.

FREE MOVEMENT OF EU CITIZENS WITHIN THE COMMUNITY - Council conclusions

The Council exchanged views on the Commission guidelines for the better transposition and application of [Directive 2004/38/EC](#) on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

It adopted the following conclusions:

- "1. The Council welcomes the Commission's Communication to the European Parliament and the Council on guidance for better transposition and application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.
2. The Council recalls its Conclusions of 27 and 28 November 2008 in which
 - It emphasized that the right of free movement within the European Union is one of the main principles on which the Union is based.
 - It noted in this context that, in compliance with and in the interest of the right of freedom of movement, every effort must be made to prevent and combat any abuse and misuse, as well as actions of a criminal nature with forceful and proportionate measures with due regard to the applicable law.
3. The Council considers it necessary that the Member States ensure the effective application of Directive 2004/38/EC as a priority and continue to closely monitor and tackle abuse and fraud of the fundamental principle of the right to free movement of persons in the coming years.

The Council recalls that the Directive entitles the Member States to take appropriate measures to fight against abuse and fraud.

4. The Council calls on the Member States to exchange information on abuse and fraud and report to the Commission on systematic trends.
5. If systematic trends are detected, the Council will revert to the issue, based on suggestions from the Commission on how these trends might be addressed through the most appropriate means."

MIXED COMMITTEE

Visa Information System (VIS)

In the margins of the Council, the Mixed Committee (the EU countries plus Norway, Iceland, Liechtenstein and Switzerland) was informed by the Presidency and the Commission about the state-of-play regarding the deployment of the Visa Information System (VIS).

Ministers invited the Commission and the Council working parties to continue their work and to update the Council at its next meeting in October on further progress made.

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Over lunch, Ministers met Mr António Guterres, the United Nations High Commissioner for Refugees (UNHCR), to exchange views on issues related to asylum. Ministers expressed its gratitude to Mr Guterres for the UNHCR's valuable contributions to the development of the EU policy on asylum as well as for its operational work on several Regional Protection Programmes.

In addition to that, the Commission informed on developments on the area of visa reciprocity in the light of the upcoming report on the subject. Reference was made to the Canadian visa requirements for Czech nationals.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Eurojust - Activity report

The Council took note of the activity report of the Joint Supervisory Authority of Eurojust for the year 2008 ([12214/09](#)). It will forward the report to the European Parliament for information.

As an independent body, the Joint Supervisory Body monitors the activities of Eurojust in order to ensure that the processing of personal data is carried out in accordance with the Eurojust decision. It also hears appeals by natural persons against decisions of Eurojust on requests for the exercise of rights on data protection. No such appeals were received during 2008.

Schengen Information System

The Council took note of the information provided by the Commission regarding certain issues related to the Schengen Information System II.

Cross-border cooperation with Iceland and Norway

The Council adopted a decision approving the signature and provisional application of an agreement with Iceland and Norway on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime.

Iceland and Norway asked to be associated with the mechanisms for police and judicial cooperation between the EU countries established by decisions 2008/615/JHA and 2008/616/JHA.

Some provisions will be applied on a provisional basis pending the formal conclusion of the agreement and its entry into force.

PUBLIC ACCESS TO DOCUMENTS

The Council adopted:

- the reply to confirmatory application No 18/c/01/09, the Finnish and Swedish delegations voting against ([11520/09](#)); and
- the reply to confirmatory application No 19/c/01/09 ([12790/09](#)).

APPOINTMENTS

European Economic and Social Committee

The Council adopted a decision appointing as members for the remainder of the current term of office, which runs until 20 September 2010:

- Mr Claude ROLIN, Secrétaire général de la Confédération des Syndicats chrétiens de Belgique (CSC) - Groupe des salariés (Groupe II),
 - Mr Fotis AGADAKOS, Deputy Secretary of Finance of the General Worker's Confederation of Greece, and
 - Mr Oliver RÖPKE, Leiter des ÖGB Europabüros in Brüssel - Employees (Group II).
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