



Council of the
European Union

Brussels, 9 November 2015
(OR. en)

13799/15

LIMITE

**JAI 831
ASIM 140
FRONT 239
RELEX 893
COMIX 552**

NOTE

From: Presidency
To: Council

Subject: Draft Council conclusions on measures to handle the refugee and migration crisis

1. Delegations will find attached draft Council conclusions on the above-mentioned subject, which will be examined by the Council (Justice and Home Affairs) on 9 November.
2. The Council is invited to:
 - adopt these conclusions as they appear in Annex I;
 - inscribe in its minutes the statement appearing in Annex II.

DRAFT COUNCIL CONCLUSIONS
MEASURES TO HANDLE THE REFUGEE AND MIGRATION CRISIS

The Council, in full cooperation with the Commission, having in mind the necessity to safeguard the functioning of the Schengen area and to reduce migratory pressures, agreed the following measures to implement fully the orientations already agreed by the European Council and the Council in compliance with EU *acquis*. It decided:

1. to encourage Member States and relevant third countries to intensify ongoing efforts to substantially increase reception capacities, for which the Council welcomes rapid identification by the Commission of additional financial support for affected countries and for the UNHCR;
2. that the establishment of hotspots in Italy and Greece will be intensified, with support of the Member States, the Commission, Frontex and EASO, so that all of these function by end of November 2015 as previously agreed;
3. that all participating Member States will speed up the relocation process, notably by communicating their capacities for first relocations and by nominating as appropriate relocation liaison officers to Italy and Greece, preferably by 16 November 2015. In parallel, Italy and Greece will substantially accelerate the preparatory steps necessary for relocation. The Council and the Commission support Italy and Greece in their decisions to register migrants before further handling their case on the mainland, in particular with Eurodac machines provided by Member States. Member States endeavour to fill by 16 November 2015 the remaining gaps in the calls for contribution from Frontex and EASO, which will simplify the profiles required and the appointing procedures;
4. that Member States, with the full support of the Commission and Frontex, will substantially improve the return rate. Member States should also provide return experts for the pool of European Return Liaison Officers for rapid deployment;

5. that Member States, to overcome the potential lack of cooperation of migrants as they arrive into the European Union and while fully respecting the fundamental rights and the principle of non-refoulement, will make full use of possibilities provided by the EU *acquis*, such as (1) asylum procedures at borders or transit zones; (2) accelerated procedures; (3) non-admissibility of subsequent asylum applications by the individuals concerned; (4) coercive measures, including, as a last resort, detention for a maximum period necessary for the completion of underlying procedures. In addition to existing guidelines on systematic fingerprinting, the Commission is invited to issue, in cooperation with EASO and Frontex, further practical guidance on the consequences of the registering obligations in the light of the Dublin rules, the relocation decisions and the international readmission obligations.

Furthermore, the Council agrees to explore the concept of processing centres supported by the Commission and relevant EU agencies, in order to organise access to international protection and/or for the purpose of return;

6. to fully support the Commission in pursuing contingency planning of humanitarian assistance for the Western Balkans, in light of the approaching winter. The Union civil protection mechanism should be used to the maximum possible extent. The Council encourages Member States to provide further assistance through this mechanism;
7. as regards controls for entry and exit at external borders, to assist the Member States concerned in respecting their legal obligation to perform adequate controls, to manage and to regain controls of the external borders and increase coordination of actions relating to border management. This will involve a range of supporting measures by Frontex, gradually extending, as necessary, to the deployment of Rapid Border Intervention Teams (RABITs) in accordance with EU rules;
8. to support the upscaling by 1 December 2015 of the *Poseidon* Sea Joint Operation in Greece within the current operational plan;

9. to conduct at the December Justice and Home Affairs Council, on the basis of the 8th bi-annual reporting by the Commission, a thorough debate on the functioning of the Schengen area (1 May 2015 - 31 October 2015) and on the lessons learned from temporary reintroductions of controls at internal borders;
10. to invite Europol to accelerate the establishment of the *European Migrant Smuggling Centre* (EMSC) to strengthen its capacity to support Member States in better preventing and fighting against migrant smuggling. The EMSC will encompass the Joint Operational Team (JOT) *Mare* initiative and further extend Europol actions, including with a focus on the Western Balkans area, in close cooperation with all relevant EU agencies, and in particular Frontex and Eurojust. The swift and effective deployment of officers at the hotspots on key migratory routes should be a component of this approach;
11. to invite Member States, in coordination with the Commission, to set up by 1 December 2015 a network of single operational contact points on migrant smuggling, as set out in the EU Action Plan against Migrant Smuggling 2015-2020, while stepping up their efforts to intensify investigation and prosecution of migrant smugglers and traffickers;
12. to continue examining pending legislative proposals on a crisis relocation mechanism and on safe countries of origin as already planned, as well as on other priority actions such as on the revision of the Dublin system and on the gradual establishment of an integrated management system for external borders;
13. to invite the Commission and the High Representative to press for practical results on return and readmission in their bilateral dialogues, notably during the upcoming high-level meetings with Afghanistan, Morocco, Nigeria, Pakistan, Tunisia and Turkey. By its next meeting on 3-4 December, the Council expects a first progress report on these dialogues. This will allow to exchange views on the appropriate incentive packages to be used *vis-à-vis* third countries;
14. that the first European Migration Liaison Officers (EMLOs) should be deployed as a matter of priority to Ethiopia, Niger, Pakistan and Serbia by the end of January 2016;

15. to reiterate the importance of Member States' resettlement activities to address the migration crisis, noting progress on this so far including at EU level. The Council agrees that further efforts should be made to enhance resettlement opportunities with an emphasis on certain priority third countries. It invites the Commission to continue its work on resettlement as a matter of priority;
16. in order to secure concrete steps on border control, on the prevention of irregular migration and on the fight against trafficking and smuggling of migrants, to support accelerating the fulfilment of the visa liberalisation roadmap with Turkey towards all participating Member States and the full implementation of the readmission agreement, in the context of the enhanced cooperation foreseen in the action plan;
17. to define, as a matter of urgency, a common information strategy addressed to asylum seekers, migrants, smugglers and traffickers aiming at (1) discouraging migrants to embark on perilous journey and to have recourse to smugglers, (2) explaining how EU rules on the management of external borders and international protection operate, including resettlement, relocation and return, (3) disseminating counter-narratives to the ones being used by the traffickers and smugglers of migrants, (4) informing about criminal prosecutions against traffickers and smugglers and (5) informing about return operations. As part of an information strategy geared at reducing pull factors, it should be clearly explained that migrants must register in their first Member State of arrival; that, under EU law, asylum seekers have no right to choose the Member State responsible for examining their application; and that migrants without a need of protection will be swiftly returned. Furthermore, a clear message should be passed that migrants cannot refuse to cooperate with the relevant national authorities. Henceforth, all necessary measures will be taken by Member States to prevent, deter and draw the consequences of such movements and non-cooperation. The Commission will pull together in the coming days a dedicated team from all relevant institutional actors to deliver on these objectives and will inform about the implementation at the Council meeting on 3-4 December 2015;

18. to support the Presidency's decision to upgrade the activation of the Integrated Political Crisis Response (IPCR) from information-sharing to full activation mode including by providing information to feed the ISAA process, by contributing to the identification of operational gaps and by supporting communication activities, thereby improving political coordination and decision-making process at EU level. In this framework, on the basis of the needs and gaps identified in the ISAA reports, roundtables will be convened regularly for the management of the migration crisis, bringing together appropriate expertise in order to allow a timely policy coordination and response at EU level, in particular on the implementation of interlinked measures on borders, reception capacities, hotspots and returns, on financial and human resources pledges and on operational and logistical priorities.
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Council statement to the minutes

"The Council notes that, if exceptional circumstances make registration impossible on small islands, it will take place on the mainland provided facilities are in place for this purpose."
