

JUSTICE and HOME AFFAIRS COUNCIL
Brussels, 20 May 2016

The Council will be devoted solely to home affairs issues. The meeting will be chaired by **Klaas DIJKHOFF**, Minister for Migration of the Netherlands.

The Council will have an exchange of views on **visa policy** in the light of a series of recent proposals, namely the proposals for visa liberalisation of Georgia, Ukraine, Turkey and Kosovo and the revision of the suspension mechanism which can be applied to all existing visa liberalisation agreements. On the latter, Ministers are expected to approve its negotiating position.

Ministers will also discuss several **migration**-related issues, and in particular the implementation of the EU-Turkey statement of 18 March 2016.

The Council will take stock of the work on the proposal for a **European border guard**, on which the Council adopted its position on 6 April 2016.

A **press conference** will take place after lunch at +/- 13.45.

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<http://tvnewsroom.consilium.europa.eu/permalink/81156>

¹ This note has been drawn up under the responsibility of the press office.

HOME AFFAIRS

Visa Policy

Revision of the suspension mechanism

The Council will approve its negotiating position on the proposal for the revision of the suspension mechanism which can be applied to all existing visa liberalisation agreements. On the basis of this mandate, the Netherlands presidency will start negotiations with the European Parliament as soon as the latter has adopted its position.

In the context of the current migratory situation in the European Union and taking into account the Commission's recent proposals for visa liberalisation of Georgia, Ukraine, Turkey and Kosovo and the recent discussions with member states, the Commission decided on 4 May 2016 to present a proposal to amend Regulation 539/2001 to revise the current suspension mechanism.

The main objective of this proposal is to strengthen the suspension mechanism by making it easier for member states to notify circumstances leading to a possible suspension and by enabling the Commission to trigger the mechanism on its own initiative. In particular, the use of the mechanism should be facilitated by shortening reference periods and deadlines allowing for a faster procedure and by extending the possible grounds of suspension, which should include a substantial increase in public policy or internal security and a substantial increase in the number of rejected readmission applications for third-country nationals having transited through that third country, where a readmission agreement concluded by the Union or a member state and the third country concerned provides for such a readmission obligation.

The Commission should also be able to trigger the mechanism in case the third country fails to cooperate on readmission, in particular where a readmission agreement has been concluded between that third country and the Union.

On 11 December 2013, the European Parliament and Council adopted Regulation 1289/2013, which amended Regulation 539/2001 by introducing the so-called "suspension mechanism" and modifying the existing reciprocity mechanism.

According to the current mechanism, when a member state is confronted, over a six-month period, with one or more well defined circumstances related to nationals of a third country leading to an emergency situation which it is unable to remedy on its own, the member state may request the Commission to suspend for a short period of time the visa waiver for the nationals of that country. The suspension can only be temporarily applied as a last resort. The specific circumstances consist namely in a substantial and sudden increase in the number of irregular migrants, unfounded asylum requests or rejected readmissions applications.

Even if the conditions for triggering the safeguard clause are clearly defined, the Commission shall have to assess the situation and there should be no automatism flowing from the notifications by member states. If the Commission decides that action is needed on the basis of its analysis and taking into account the consequences of a suspension of the exemption from the visa requirement for the external relations of the EU and its member states with the third country concerned, it shall adopt an implementing act temporarily suspending the exemption from the visa requirement for the nationals of the third country concerned for a period of six months. The Council also introduced an emergency brake, namely in the situation that a simple majority of Member States notifies, the Commission will be obliged to adopt the implementing act.

For more information:

[European commission proposal on the revision of the "suspension mechanism"](#)

[Regulation 539/2001 \(consolidated version\)](#)

Visa liberalisation

The Commission has recently tabled four proposals for moving Georgia, Ukraine, Kosovo and Turkey from Annex I to Regulation No 539/2001¹ (countries the nationals of which need a visa to enter the Schengen area) to Annex II to the same regulation (visa free countries).

The proposal for visa liberalisation for Georgia was published by the Commission on 9 March 2016, for Ukraine on 20 April and for Turkey and Kosovo on 4 May. Both for Georgia and Ukraine the Commission concluded that all the benchmarks for the exemption of the visa requirement are fulfilled. The Commission concluded in its third progress report that Turkey has fulfilled 65 of the 72 benchmarks. For Kosovo the Commission concluded that there are two outstanding benchmarks which remain to be fulfilled; ratification of the border agreement with Montenegro and the build-up of a track record in convicting organized crime and corruption.

Migration

Home affairs ministers will hold an exchange of views on several migration-related issues, and in particular the implementation of the EU-Turkey statement of 18 March 2016.

Ministers are expected to express their views on the current migration situation. As regards the implementation of the EU-Turkey statement, they will focus on the returns from Greece to Turkey and resettlement from Turkey and how to provide Greece with the necessary means, in particular border guards, asylum experts and interpreters. They will also discuss how to accelerate relocation from Greece and Italy and will address the situation of the Central Mediterranean route.

For more information:

[Council website: Finding solutions to migratory pressures](#)

European Border Guard

The Council will be briefed by the Presidency on the state of play on the proposed regulation establishing a European Border Guard.

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 would 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.

On 6 April 2016, the Permanent Representatives Committee agreed on the Council's negotiating position. As soon as the European Parliament has adopted its position, the presidency will start negotiations.

For more information:

[Council website: Strengthening the EU's external borders](#)

[European Border Guard: Council ready to negotiate with the Parliament](#)

¹ Regulation (EU) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and are exempt from that requirements.