



Council of the
European Union

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NOTE

From: General Secretariat of the Council
To: Council

Subject: European Council (18-19 February 2016)
- Draft conclusions

In accordance with Article 2(3)(a) of the Council's Rules of Procedure, delegations will find attached the draft conclusions prepared by the President of the European Council, in close cooperation with the member of the European Council representing the Member State holding the six-monthly Presidency of the Council and with the President of the Commission.

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I. THE UNITED KINGDOM AND THE EUROPEAN UNION

1. At their December meeting, the members of the European Council agreed to work together closely to find mutually satisfactory solutions in all the four areas mentioned in the British Prime Minister's letter of 10 November 2015.
2. Today, the European Council agreed that the following set of arrangements, which are fully compatible with the Treaties and will become effective on the date the Government of the United Kingdom informs the Secretary-General of the Council that the United Kingdom has decided to remain a member of the European Union, constitute an appropriate response to the concerns of the United Kingdom:
 - (a) a Decision of the Heads of State or Government, meeting within the European Council, concerning a new settlement for the United Kingdom within the European Union (Annex 1);
 - (b) a Statement containing a draft Council Decision on specific provisions relating to the effective management of the banking union and of the consequences of further integration of the euro area which will be adopted on the day the Decision referred to in point (a) takes effect (Annex 2);
 - (c) a Declaration of the European Council on competitiveness (Annex 3);
 - (d) a Declaration of the Commission on a subsidiarity implementation mechanism and a burden reduction implementation mechanism (Annex 4);
 - (e) a Declaration of the Commission on the safeguard mechanism referred to in paragraph 2(b) of Section D of the Decision of the Heads of State or Governments (Annex 5);
 - (f) a Declaration of the Commission on issues related to the abuse of the right of free movement of persons (Annex 6).

3. Regarding the Decision in Annex 1, the Heads of State or Government have declared that:
- (i) this Decision gives legal guarantee that the matters of concern to the United Kingdom as expressed in the letter of 10 November 2015 have been addressed;
 - (ii) the content of the Decision is fully compatible with the Treaties;
 - (iii) this Decision is legally binding, and may be amended or repealed only by common accord of the Heads of State or Government of the Member States of the European Union;
 - (iv) this Decision will take effect on the date the Government of the United Kingdom informs the Secretary-General of the Council that the United Kingdom has decided to remain a member of the European Union.

II. MIGRATION

4. As part of a comprehensive approach to stem the flows and to handle the migration challenge, the European Council assessed, on the basis of detailed reports from the Presidency and the Commission, the state of implementation of the orientations agreed in December:
- a) regarding relations with relevant third countries, the comprehensive and tailor-made packages of incentives that are currently being developed for specific countries to ensure effective returns and readmission require the full support of the EU and the Member States. The European Council also calls on the Commission, the High Representative and the Member States to monitor and address any factors that may prompt migration flows;
 - b) humanitarian assistance should continue to be provided to Syrian refugees and to the countries neighbouring Syria. This is an urgent global responsibility. In this context, the European Council welcomes the outcome of the Conference on supporting Syria and the Region in London on 4 February and calls on the Commission, Member States and all other contributing countries to rapidly implement their commitments;

- c) the continued and sustained irregular migrant flows along the Western Balkans route remain a grave concern that requires further concerted action and an end to the "wave-through" approach. It is also important to remain vigilant about potential developments regarding other routes so as to be able to take rapid action;
- d) initial steps have been taken by Turkey to implement the EU-Turkey Action Plan, notably as regards access by refugees to Turkey's labour market and data sharing with the EU. However, the flows of migrants arriving in Greece from Turkey remain much too high. This calls for further, decisive efforts also on the Turkish side to ensure effective implementation of the Action Plan, in order to stem migration flows and to tackle traffickers and smugglers networks, including with NATO support. The European Council welcomes the agreement reached on the Facility for Refugees in Turkey and calls on the Commission and the Member States to swiftly implement the priority projects;
- e) the Council Recommendation of 12 February 2016 on the application of the Schengen acquis in the field of management of the external borders constitutes an important step towards restoring, in a concerted manner, the normal functioning of the Schengen area, with full support for Member States which face difficult circumstances. All Members of the Schengen area should apply fully the Schengen Borders Code and refuse entry at external borders to third-country nationals who do not satisfy the entry conditions or who have not made an asylum application despite having had the opportunity to do so, while taking into account the specificities of maritime borders;
- f) with the help of the EU, the setting up and functioning of hotspots is gradually improving as regards identification, registration, fingerprinting and security checks on persons and travel documents; however, much remains to be done, in particular to make hotspots fully functional, to stem secondary flows of irregular migrants and asylum-seekers and to provide the significant reception facilities needed to accommodate migrants under humane conditions while their situation is being clarified. Asylum seekers do not have the right to choose the Member State in which they seek asylum;

- g) the humanitarian situation of migrants along the Western Balkans route calls for urgent action using all available EU and national means to alleviate it. To this end, the European Council considers it necessary to now put in place the capacity for the EU to provide humanitarian assistance internally, in cooperation with organisations such as the UNHCR, to support countries facing large numbers of refugees and migrants, building on the experience of the EU Humanitarian Aid and Civil Protection department. The European Council welcomes the Commission's intention to come up with concrete proposals as soon as possible;
- h) all the elements agreed last December should be implemented rapidly, including the decisions on relocation and measures to ensure returns and readmissions. As far as the 'European Border and Coast Guard' proposal is concerned, work should be accelerated with a view to reaching a political agreement under the Netherlands Presidency and to make the new system operational as soon as possible;
- i) the European Council invites the European Investment Bank to rapidly develop ideas, in cooperation with the Commission, on how it can contribute to the EU response;
- j) the European Council will come back to all of these issues at its March meeting.

III. SYRIA - LIBYA

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IV. EUROPEAN SEMESTER

5. The European Council endorsed the recommendation on the economic policy of the euro area.
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