



11097/15

(OR. en)

PROVISIONAL VERSION

PRESSE 49
PR CO 41

OUTCOME OF THE COUNCIL MEETING

3405th Council meeting

Justice and Home Affairs

Brussels, 20 July 2015

President **Jean Asselborn**
Minister of Immigration and Asylum of Luxembourg

P R E S S

CONTENTS¹

ITEMS DEBATED

Relocation	3
Resettlement.....	5
Safe countries of origin.....	8
Any other business.....	11
– Valetta Summit.....	11
– EU return policy.....	11

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

– Obligation to take fingerprints.....	12
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- 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.

ITEMS DEBATED

Relocation

The Council reached a general approach on the decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece. This decision establishes a temporary and exceptional relocation mechanism over two years from the frontline member states Italy and Greece to other member states (persons in clear need of international protection).

The Council will formally adopt the decision once the European Parliament gives its opinion, which is expected in September.

The representatives of the governments of the member states meeting within the Council agreed by consensus on the distribution of 32 256 persons and adopted the following resolution:

"Resolution of the Representatives of the Governments of the Member States meeting within the Council on relocating from Greece and Italy 40 000 persons in clear need of international protection¹

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

HAVING REGARD TO:

The European Council's statement of 23 April 2015 agreeing to increase emergency aid to frontline Member States and to consider options for organising emergency relocation between all Member States on a voluntary basis;

The European Council's conclusions of 25-26 June 2015, which in the light of the current emergency situation and of the EU commitment to reinforce solidarity and responsibility, agreed on the temporary and exceptional relocation over two years from the frontline Member States Italy and Greece to other Member States of 40 000 persons in clear need of international protection, in which all Member States will participate;

The European Council's invitation to the Council to adopt rapidly a Decision to this effect and to all Member States to agree by consensus, by the end of July, on the distribution of such persons, reflecting the specific situations of Member States;

AGREE to the relocation of 40 000 persons in clear need of international protection, which will run over two years, from the frontline Member States Italy and Greece,

AGREE, as a first step, to the relocation of 32 256 persons in accordance with the Annex,

¹ In accordance with the European Council Conclusions of 25-26 June 2015, Denmark and the United Kingdom are not participating in this Resolution.

AGREE to update the figures by December 2015 with a view to reaching the overall number of 40 000 in accordance with the commitment taken at the European Council on 25-26 June 2015,

NOTE that a number of States have made statements, which will be entered in the minutes of the Council.

ANNEX

Austria	0
Belgium	1 346
Bulgaria	450
Croatia	400
Cyprus	173
Czech Republic	1 100
Estonia	130
Finland	792
France	6752
Germany	10 500
Hungary	0
Ireland¹	600
Latvia	200
Lithuania	255
Luxembourg	320
Malta	60
Netherlands	2 047
Poland	1 100
Portugal	1 309
Romania	1 705

¹ Ireland's participation in this Resolution is subject to it opting in to the Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece under Protocol 21 to the Treaties.

Slovakia	100
Slovenia	230
Spain	1 300
Sweden	1 369

Resettlement

The representatives from the member states adopted the following conclusions on the agreement on resettling through multilateral and national schemes 22 504 displaced persons in clear need of international protection:

"Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 persons in clear need of international protection

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,
HAVING REGARD TO:

- the statement adopted by the European Council, on 23 April 2015, agreeing to set up a first voluntary pilot project on resettlement across the EU, offering places to persons qualifying for protection¹;
- the conclusions adopted by the European Council, on 25-26 June 2015, which, in the light of the current emergency situation and of the EU commitment to reinforce solidarity and responsibility, noted the agreement of all Member States to participate including through multilateral and national schemes in the resettling of 20 000 displaced persons in clear need of international protection, reflecting the specific situations of Member States²;
- the conclusions (*'Taking action to better manage migratory flows'*), adopted at the Justice and Home Affairs Council meeting on 10 October 2014, recognising that all Member States should propose a credible number of resettlement places, on a voluntary basis, in a fair and balanced manner, while taking into account the efforts carried out by Member States affected by migratory flows³;
- The Commission Communication on a European Agenda on Migration, presented on 13 May 2015, that, inter alia, defines a set of immediate measures tailored to respond to the human tragedy in the whole of the Mediterranean, and calling the European Union in particular to step up its resettlement efforts⁴.

NOTE the Commission Recommendation to the Member States, of 8 June 2015, on a European resettlement scheme to resettle 20 000 people in need of international protection over a two-year period⁵,

¹ Doc. EUCO 18/15

² Doc. EUCO 22/15

³ Doc. 14141/14

⁴ Doc. 8961/15 COR 1

⁵ Doc. 9376/15 ADD 1

NOTE the readiness of the Iceland, Liechtenstein, Norway and Switzerland to participate in this resettling effort through multilateral and national schemes,

WELCOME the Commission's proposal to increase by EUR 50 million in the years 2015 and 2016 the amounts available under the Union Resettlement Programme, set out in Article 17 of Regulation (EU) No 516/2014 of the European Parliament and of the Council,

WELCOME the adoption of the amending budget 5/2015 of the EU for the financial year 2015 “responding to migratory pressures” which foresees an additional amount of EUR 25 million for 2015 under the AMIF Regulation¹ to implement the European Resettlement Programme,

ACKNOWLEDGE the entitlement of the Member States to receive a financial allocation in proportion of the number of persons resettled in their territory in accordance with Article 17 of Regulation (EU) No 516/2014;

RECOGNISE the importance of the supporting role to be played by EASO in the implementation of this scheme,

RECOGNISE the key role of UNHCR and the substantial contributions by IOM in the resettlement process,

AGREE:

- to resettle, as set out in the Annex, persons in clear need of international protection, through multilateral and national schemes, reflecting the specific situations of Member States, on request of the United Nations High Commissioner for Refugees, from a third country to a Member State in agreement with the latter, with the objective of protecting them against refoulement and admitting and granting them the right to stay and any other rights similar to those granted to a beneficiary of international protection or in case of a Member State bound neither by Directive 2011/952 nor by Directive 2004/833, in line with the Geneva Convention on the Status of Refugees;
- to take account of priority regions for resettlement including North Africa, the Middle East and the Horn of Africa, focusing in particular on the countries where the Regional Development and Protection Programmes are implemented;

¹ Regulation (EU) No 516/2014, of 16 April 2014, of the European Parliament and of the Council establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC, O.J. L 150 of 20.05.14.

² Directive 2011/95/EU of the European Parliament and of the Council, of 13 December 2011, on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, O.J. L 337, of 20.12.2011, p. 9.

³ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, O.J. L 304, of 30.09.2004, p. 12.

- that effective measures must be taken to avoid secondary movements of resettled persons, in line with the EU acquis.

WELCOME the readiness of Iceland, Liechtenstein, Norway and Switzerland to participate in this resettling effort through multilateral and national schemes, as shown in the Annex.

NOTE that a number of States have made statements, which will be entered in the minutes of the Council.

ANNEX

Austria	1900
Belgium	1100
Bulgaria	50
Croatia	150
Cyprus	69
Czech Republic	400
Denmark	1000
Estonia	20
Finland	293
France	2375
Germany	1600
Greece	354
Hungary	0
Ireland	520
Italy	1989
Latvia	50
Lithuania	70
Luxembourg	30
Malta	14
Netherlands	1000
Poland	900
Portugal	191
Romania	80
Slovakia	100
Slovenia	20
Spain	1449
Sweden	491

United Kingdom	2200
Norway	3500
Iceland	50
Liechtenstein	20
Switzerland	519

It is noted that a number of States have made statements, concerning the modalities of their participation, which will be entered in the minutes of the Council."

Safe countries of origin

The Council adopted the following conclusions on the designation of certain third countries as safe countries of origin.

" Council conclusions on safe countries of origin

Recalling that Directive 2013/32/EU of the European Parliament and of the Council, of 26 June 2013, on common procedures for granting and withdrawing international protection ('Asylum Procedures Directive')¹, enables Member States to designate safe countries of origin for the purposes a swift examination of applications for international protection, and to establish rules and modalities for such designation, or to apply this concept in practise and defines common criteria and procedures to be followed for such designation;

Recalling that, in order to support the swift processing of asylum applications of persons having the nationality of third countries designated as safe, the Commission has announced in the European Agenda on Migration its intention to strengthen the 'safe country of origin' provisions of the Asylum Procedure Directive;

Recalling that, as part of the measures on return/readmission/reintegration, the European Council, on 25 June 2015, invited the Commission to outline, by July 2015, measures to be taken by EASO to coordinate the implementation of the 'safe country of origin' provisions in the Asylum Procedures Directive. It also noted the Commission's intention to strengthen the 'safe country of origin' provisions in the Asylum Procedures Directive, including the possible establishment of a common EU list of safe countries of origin;

¹ Directive 2013/32/EU of the European Parliament and of the Council, of 26 June 2013, on common procedures for granting and withdrawing international protection, OJ L 180 of 29.06.2013. ¹ In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark did not take part in the adoption of Directive 2013/32 and is not bound by it or subject to its application.

Recalling the EASO 2015 update of the key findings of its 2013 report on 'Asylum Applicants from the Western Balkans: comparative analysis of the trends, push-pull factors and responses'.

Whereas:

The designation by a Member State of a third country as safe country of origin allows this Member State to accelerate and/or conduct at the border or in transit zones the examination of applications for international protection made by applicants who have the nationality of this third country. This can therefore be an effective tool for addressing situations when large numbers of asylum applications are lodged by nationals of third countries for whom there is a presumption that they do not qualify for international protection.

A country may be considered as a safe country of origin under the conditions prescribed by Articles 36 and 37 as well as in Annex I of the Asylum Procedures Directive. Several Member States have designated at national level certain third countries as safe countries of origin, in the meaning of this Directive.

Member States must examine each case on its merits. In addition, where an applicant shows that there are valid reasons to consider the country not to be safe in his or her particular circumstances, the designation of the country as safe can no longer be considered relevant for him or her.

Several Member States have designated at national level certain third countries as safe countries of origin, in the meaning of the Asylum Procedures Directive. Regular reviews of the situation in those countries need to be carried out.

The Asylum Procedures Directive acknowledges the need for a coordinated approach between Member States on the use of safe country of origin concept, leading to potential further harmonisation in this area in the future.

The European Council, already in June 2000, recognised that all the countries of the Western Balkans were potential candidates for membership of the EU¹ and reiterated the European perspective of the Western Balkans on numerous occasions. Furthermore, the progress achieved by these countries, in particular in the areas of rule of law and respect of fundamental rights, is annually assessed by the Commission in its communications on 'Enlargement Strategy and Main Challenges'.

THE COUNCIL OF THE EUROPEAN UNION

¹ Santa Maria Da Feira European Council 19 And 20 June 2000 Conclusions of the Presidency, para.67.

TAKES NOTE of the fact that several Member States have national lists of safe countries of origin within the meaning of the Asylum Procedures Directive.

STRESSES the importance of ensuring rapidly a coordinated approach between Member States on the designation at national level of third countries as safe countries of origin within the meaning of the Asylum Procedures Directive.

STRONGLY RECOMMENDS therefore that, without delay, Member States assess which third countries could be designated at national level as safe countries of origin, within a coordination process to be led by EASO and in line with the criteria and procedural requirements defined in the Asylum Procedures Directive.

NOTES with regards to the Western Balkans countries that a majority of national lists of safe countries of origin include these countries, that the European Council reiterated on numerous occasions their European perspective and that Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia were transferred to the list of countries whose nationals are exempt from the visa requirement as of 19 December 2009 and 15 December 2010 respectively. Moreover, the EU-wide average asylum recognition rate for the Western Balkans countries was rather low in 2014. This suggests that the Western Balkans countries could be considered as safe countries of origin by all the Member States.

STRONGLY RECOMMENDS therefore that priority should be given to an assessment by all Member States of the safety of the Western Balkans¹, within a coordination process to be led by EASO and in line with the criteria and procedural requirements defined in the Asylum Procedures Directive.

WELCOMES the intention of the Commission to strengthen the safe countries of origin provisions in the Asylum Procedures Directive, including the possible establishment of a common EU list of safe countries of origin."

¹ Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo*.

* *This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.*

Any other business

– *Valetta Summit*

The Council took note of the information provided by Pierre Vimont, the personal envoy of the President of the European Council, Donald Tusk, on the state of play of the preparations for the Valletta Conference.

The Valletta Summit will bring together leaders of the EU and of African countries on 11 and 12 November 2015. Its purpose is to reinforce cooperation with African partners to tackle the causes of illegal migration and combat the smuggling and trafficking of human beings. The Valletta Summit has been called for by the special European Council of 23 April 2015.

– *EU return policy*

The Council took note of the views expressed by the Spanish delegation on the EU return policy. The special European Council of 23 April 2015 committed to set up a new return programme for the rapid return of illegal migrants from frontline member states, coordinated by Frontex.

The Luxembourg presidency intends to invite the Council to discuss the EU return policy at its meeting on 8 and 9 October 2015.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Obligation to take fingerprints

The Council adopted a note inviting the EU member states to follow the Commission guidance on the implementation of the Eurodac regulation as regards the obligation to take fingerprints of asylum seekers and irregular migrants ([11013/15](#)).
