



## **JUSTICE and HOME AFFAIRS COUNCIL**

### **25 February in Brussels**

The Council will be devoted only to home affairs issues. All the points will be dealt under the Mixed Committee format (the EU plus Norway, Iceland, Liechtenstein and Switzerland).

The meeting will be chaired by **Klaas DIJKHOFF**, Minister for Migration of the Netherlands.

The Council will aim to reach a general approach on the proposed regulation to **reinforce checks against relevant databases at external borders**. This regulation seeks to improve security inside the EU by making the checks on EU citizens against all relevant databases (which are already possible) mandatory.

Ministers will also take stock of the work on the proposal for a **European border and coast guard**, presented by the Commission in December 2015. The proposed agency, bringing together resources from Frontex and EU member states, would monitor migratory flows, identify weak spots and respond in situations where an EU external border is at risk.

Following the European Council of 18-19 February, ministers will discuss the implementation of existing measures on **migration** and may also consider possible future action. In this context they will also be briefed on further developments and next steps on the possible application of **article 26** of the **Schengen Borders code** and related issues.

Particular attention will be given to the current developments on the **Western Balkans route**. For that purpose a meeting will take place in the margins of the Council with the member states most concerned, the ministers of the former Yugoslav Republic of Macedonia and Serbia and the UNHCR. Minister Dijkhoff will debrief the other Ministers during the Council and they will have the opportunity to react. In addition, the Presidency has invited the Turkish Minister of Interior to attend the Ministers lunch in order to discuss the situation on the ground in the run up to the EU Summit with Turkey early March.

A **press conference** will take place at the end of the meeting +/- 15.00

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*Press conferences and public events by video streaming: <http://video.consilium.europa.eu>*

*Video coverage in broadcast quality (MPEG4) and photo gallery on: [www.eucouncil.tv](http://www.eucouncil.tv)*

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<sup>1</sup> This note has been drawn up under the responsibility of the press office.

## HOME AFFAIRS

### **Schengen Border Code amendment: reinforcement of checks at external borders**

The Council will aim to reach a general approach on the proposed regulation to reinforce checks against relevant databases at external borders.

This regulation to amend the Schengen Borders Code (SBC) was presented by the European Commission in December 2015. It is a response to the increase of terrorist threats and to the call of the Council Conclusions of 9 and 20 November 2015 for a targeted revision of the SBC in the context of the response to "foreign terrorist fighters".

The proposal obliges member states to carry out systematic checks on persons enjoying the right of free movement under EU law (i.e. EU citizens and members of their families who are not EU citizens) when they cross the external border against databases on lost and stolen documents as well as in order to verify that those persons do not represent a threat to public order and internal security. This obligation shall apply at all external borders (air, sea and land borders), both at entry and exit.

However, where a systematic consultation of databases on all the persons enjoying the right of free movement under Union law could lead to disproportionate impact on the flow of traffic at the sea and land border, member states may carry out only targeted checks against databases provided that a risk assessment shows this does not lead to risks related to internal security, public policy, international relations of the member states or a threat to the public health.

While member states are obliged to check third country nationals systematically on entry against all databases, the current provisions do not provide that on exit, checks for public order and internal security reasons have to be carried out in a systematic way. The amendment will align the obligations to check systematically also on exit that a third country national does not present a threat to public policy and internal security.

For more information:

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

[Council website: Response to foreign terrorist fighters and recent terrorist attacks in Europe](#)

### **European Border and Coast Guard**

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

This proposal, which is part of the Borders legislative package, was submitted by the Commission on 15 December 2015, aiming at setting up a European Border and Coast Guard which would be consisting of the European Border Agency (replacing Frontex) and national authorities responsible for border management.

The primary objective of the European Border and Coast Guard would be to ensure and implement, as a shared responsibility, the 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 EU-internal free movement.

The proposal consists of the European Border and Coast Guard Agency (which would replace Frontex) and national authorities responsible for border management, including coast guards to the extent that they carry out border control tasks, with a shared responsibility for the security and protection of the EU's external borders.

For more information:

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

## **Migration**

Home affairs ministers will receive an update of the information available in the context of the current migratory flows. Ministers will also receive a briefing of the Western Balkans breakfast which is foreseen to take place before the Council.

Ministers will then hold a broad discussion on the basis of this information and on the progress made in implementing the most recent EU measures including the recent European Council conclusions. Ministers will also consider possible future action.

The Presidency will brief Ministers on further developments and next steps on the possible application of Article 26 of the Schengen Borders Code (SBC).

On 2 February 2016 the Commission took the first step by adopting the report on the evaluation of Greece on the implementation of the Schengen acquis in the field of the management of the external border and the corresponding proposal for a Council recommendation.

The Council adopted this recommendation on 12 February 2016. If after three months from the adoption of this recommendation serious deficiencies persist, putting the functioning of the whole or part of the Schengen area at risk, and this constitutes a serious threat to public policy or internal security, the Commission may trigger the application of the procedure provided in article 26 of the SBC.

For more information:

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

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

[Schengen Border Code \(consolidated version\)](#)

[European Council Conclusions on migration \(18 February 2016\)](#)