



7688/17

(OR. en)

PROVISIONAL VERSION

PRESSE 16
PR CO 16

OUTCOME OF THE COUNCIL MEETING

3528th Council meeting

Justice and Home Affairs

Brussels, 27 March 2017

President **Carmelo Abela**
Minister for Home Affairs and National Security

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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.

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ITEMS DEBATED

HOME AFFAIRS

Migration*

On Monday, ministers took stock of developments in the area of migration policy, focusing on the implementation of the Malta declaration of 3 February 2017. They paid particular attention to how contributions from member states could help make implementation even more effective.

Ministers discussed how they could help efforts to reduce the pressure on Libya's land border and cooperate with neighbouring countries, how to best support IOM in stepping up assisted voluntary return activities and how to improve synergies between the Malta declaration and the joint Valletta action plan.

The Council also took note of information from the Presidency on the outcome of the Valletta Joint Action Plan Senior Officials meeting which took place on 8-9 February 2017.

Following the adoption of the Malta declaration on 3 February, the Maltese presidency presented a concrete plan for its implementation to the Committee of Permanent Representatives, in close cooperation with the European Commission and the High Representative. The Presidency coordinates the close monitoring of this implementation, with Coreper maintaining a steering role over it.

Over lunch, ministers discussed other aspects of migration policy, focusing on the deployment of resources by the member states as well as on relocation.

- [Finding solutions to migratory pressures \(background information\)](#)

* Exceptionally, in the presence of the Schengen Associated States.

Return policy*

Ministers also discussed return and readmission policy, based on the Commission communication on a more effective return policy and a Commission recommendation on making returns more effective when implementing directive 2008/115/EC ("return directive"). The Council's discussion centred on two aspects – the external side: improving cooperation by third countries on readmission, and the internal side: making sure the right procedures and systems are in place for effective returns. The discussions enabled ministers to offer guidance for further technical level work on these issues.

The Commission communication sets out a renewed action plan on return, building on the action plan adopted in 2015. This renewed action plan aims to improve the efficiency of the EU return system and to increase return rates. It outlines two areas where action is required: making national administrative systems and return procedures more effective and overcoming the challenges of readmission.

The Commission recommendation contains a series of measures aimed at improving the return system through a more uniform implementation of the return directive by member states.

- [Managing migration flows and curbing migrant smuggling activities \(background information\)](#)

* Exceptionally, in the presence of the Schengen Associated States.

European Border and Coast Guard

Frontex and the European Commission updated ministers on the implementation of the European Border and Coast Guard. The Council took note of the progress accomplished.

The regulation on a European Border and Coast Guard was adopted on 14 September 2016. Its main role is to help provide integrated border management at the external borders. It consists of a European Border and Coast Guard Agency (the former Frontex agency with expanded tasks) and those national authorities responsible for border management. The European Border and Coast Guard started its activities on 6 October 2016.

- [Strengthening the EU's external borders \(background information\)](#)

Radicalisation Awareness Network*

The Council was briefed on the state of play on the radicalisation awareness network (RAN) and the possibility of developing its center of excellence into an EU center for prevention and deradicalisation. The Commission committed itself to provide more detailed information at the Justice and Home Affairs Council meeting in June.

The RAN was launched in 2011 as a network to connect individuals working to prevent radicalisation and violent extremism in the EU member states and Norway. It is structured around thematic working groups, which are guided and supported by the RAN centre of excellence, established in 2015.

* Exceptionally, in the presence of the Schengen Associated States.

Reform of the common European asylum system and resettlement

The Council took note of ongoing work on the reform of the common European asylum system and resettlement on the basis of a progress report from the presidency.

On the EU asylum agency regulation and Eurodac regulation, a partial general approach was adopted last December. On the asylum agency regulation, negotiations with the European Parliament started in January and have recently been intensified.

The remaining files have been examined by the Council preparatory bodies. In order to ensure consistency, certain key points across the qualification regulation, asylum procedure regulation, reception conditions directive and Dublin regulation have been examined thematically.

The presidency will continue its efforts to take forward work on as many proposals of the package as possible. Regarding the principles of solidarity and responsibility, the presidency is reflecting on the best way forward and intends to continue informal talks on the issue.

- [Progress report - reform of the common European asylum system and resettlement](#)
- [Reforming the common European asylum system \(background information\)](#)

Information technology measures related to border management

The Council took stock of work on the proposal on a European travel and information authorisation system (ETIAS) and the proposal to establish an entry/exit system (EES).

On the ETIAS proposal, following examination at working party level, the presidency called for full commitment by member states to progress on this file, with a view to reaching an agreement by the end of June and engaging with the European Parliament thereafter.

A negotiating mandate on the entry/exit system proposal was agreed by the Permanent Representatives Committee (Coreper) on 2 March 2017. The Maltese presidency briefed ministers on the ongoing negotiations with the European Parliament.

- [Progress report - information technology measures related to border management](#)

Any other business

The Council took note of the information provided by the Austrian delegation on the results of the conference "Managing migration challenges together", led in Vienna on 8 February 2017.

Ministers were informed of the outcome of the recent meeting between the Commission and major internet companies in the United States, following the EU internet forum which took place in December 2016.

The Maltese presidency updated home affairs ministers on the ongoing reflection process regarding data retention, following the recent European Court of Justice case law.

The presidency updated the Council on the state of play of a number of legislative proposals.

MIXED COMMITTEE

The Council in the Mixed Committee format (the EU plus Norway, Iceland, Liechtenstein and Switzerland) discussed the following items:

Information technology measures related to border management

See above.

European Border and Coast Guard

See above.

Any other business

The presidency updated the committee on the state of play of a number of legislative proposals.

The European Commission informed the committee on the meeting with five member states on progress towards full visa reciprocity with the United States.

OTHER ITEMS APPROVED

JUSTICE AND HOME AFFAIRS

Visas - China

The Council adopted a decision authorising the European Commission to open negotiations, on behalf of the EU, for an agreement between EU and China on the facilitation of the issuance of short-stay visas.

Cross border cooperation - automated data exchange

The Council adopted an implementing decision allowing Greece to receive and supply personal data pursuant to Articles 3 and 4 of Decision 2008/615/JHA, for the purposes of automated searching and comparison of DNA data, from the day of entry into force of the decision. ([12211/1/16](#))

The Council adopted an implementing decision allowing Denmark to receive and supply personal data pursuant to Article 12 of Decision 2008/615/JHA, for the purposes of automated searching of vehicle registration data, from the day of entry into force of the decision. ([12212/1/16](#))

EU policy cycle for organised and serious international crime

The council adopted conclusions on the continuation of the EU Policy Cycle for organised and serious international crime for the period 2018-2021. ([7093/17](#))

Schengen evaluation

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Luxembourg on the application of the Schengen acquis in the field of police cooperation.

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of police cooperation

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of management of the external border.

Travel document fraud

The Council adopted without discussion conclusions on the action plan to strengthen the European response to travel document fraud. The conclusions focus on the importance of more secure breeder documents and the need for an overhaul of the FADO database (false and authentic documents online) through a change of its legal basis.

- [Council conclusions on the Commission action plan to strengthen the European response to travel document fraud](#)

FOREIGN AFFAIRS

Relations with Lebanon

The Council adopted a decision to conclude an additional protocol to the Euro Mediterranean Agreement establishing an Association between the EU and Lebanon. This additional protocol was needed in order to take account of the accession of the Republic of Croatia to the EU.

Relations with the Republic of Moldova

The Council approved the EU position for the 3rd meeting of the EU- Moldova Association Council. The meeting will take place on 31 March 2017 in Brussels.

Key messages for the association council include reaffirming EU's commitment to EU- Moldova process of political association and economic integration, underlining the importance for Moldova to keep up with the commitments under the Association Agreement/DCFTA and encouraging the Moldovan government to step up efforts on effective communication of EU related policies and actions as well as their benefits.

ECONOMIC AND FINANCIAL AFFAIRS

Bank recovery and resolution

The Council decided not to object to a Commission regulation on classes of arrangements to be protected in a partial property transfer under article 76 of directive 2014/59/EU on the recovery and resolution of credit institutions and investment firms ([7298/17](#) + [6079/17](#)).

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the European Union. It can now enter into force, unless the European Parliament objects.

EUROPEAN ECONOMIC AREA

Amendment to annexes II and XVII to the EEA agreement

The Council adopted a decision on the position to be adopted, on behalf of the EU, in the EEA joint committee concerning an amendment to annex II (technical regulations, standards, testing and certification) and annex XVII (intellectual property) to the EEA agreement ([5347/17](#)).

These amendments are necessary so that adaptations to the paediatric regulation and the regulation on supplementary protection certificate for medicinal products can be incorporated into the EEA agreement.

ENVIRONMENT

Whaling: response to Japan's statement

The Council approved the EU's support, alongside its member states, for a joint response with Australia, New Zealand and possibly other partners to the Government of Japan's statement on Resolution 2016-02 on improving the review process for whaling under special permit.

After the International Whaling Commission (IWC) adopted Resolution 2016-2 at its last meeting in October 2016, the Government of Japan expressed its position stating that the resolution was "an attempt to add further conditions, not envisaged under the existing Convention and its Schedule, for the grant of special permits" and therefore "should not be given effect".

Australia contacted some IWC members expressing its concerns for Japan's stated position and seeking the support of partners, including the EU and its member states, for a common response to Japan. The response is expected to take the form of a joint statement position by the signatories attached to a IWC secretariat's circular communication.

INTERNAL MARKET

Safety of toys - Lower thresholds for lead content in toys

The Council approved more stringent limit values for lead in toys in order to ensure adequate protection of children by amending the directive on toy safety (2009/48/EC).

The adoption by the Council of the Commission proposal ([12153/16](#) + [ADD1](#) + [ADD2](#) + [ADD3](#)) will align the current migration limits for lead in toys with the latest scientific data in order to reduce children's exposure to lead.

New scientific evidence shows that the level of protection against exposure to lead, as established in 2009 (point 13 of part III of annex II to [directive 2009/48/EC](#)) is no longer appropriate.

The European Parliament did not object to the adoption of the new migration limits.

The Toy Safety Directive sets out strict requirements for chemical substances in toys. It contains an obligation to systematically review the occurrence of hazardous chemicals in toys taking into account new scientific evidence.

CONSUMER PROTECTION

Tourism - International convention on the protection of tourists

The Council authorised the Commission to open negotiations on a future international Convention on the protection of tourists and rights and obligations of tourism service providers.

The United Nations World Tourism Organization (UNWTO) is preparing an international Convention on the protection of tourists and the rights and obligations of tourism service providers.

Through its participation in the negotiations the EU can influence the development of international standards and practices regarding package travel issues and accommodation services which are inspired by EU legislation.

The draft Convention might be submitted to the General Assembly of the UNWTO in September 2017.

FISHERIES

Fisheries conservation measures in Denmark

The Council decided not to oppose the adoption of two Commission acts amending delegated regulation (EU) 2017/117 establishing fisheries conservation measures for the protection of the marine environment in the Baltic Sea and repealing Regulation (EU) 2015/1778.

The adopted measures comprise the prohibition of fishing activities with mobile bottom contacting gear in reef zones (under habitat type 1170) and the surrounding buffer zones in three Natura 2000 sites in the Danish part of the Western Baltic Sea: Kattegat, Skagerrak and the North Sea ([6932/17](#) + [ADD 1](#)). They also include the prohibition of all fishing activities in bubbling reef zones (under habitat type 1180) in four Natura 2000 sites in the Danish part of the Kattegat, North Sea ([6724/17](#) + [ADD 1](#)).

Delegated regulation (EU) 2017/117 establishes fisheries conservation measures for the protection of the relevant reef zones in the Baltic Sea and the Kattegat, North Sea, on the basis of two joint recommendations submitted by the member states concerned (Denmark, Sweden, Germany and Poland).

Fishing opportunities

The Council adopted a Council regulation amending regulation 2017/217 as regards fish opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters ([7286/17](#)).

In particular the adopted regulation changes some catch limits on the basis of newly available scientific advice.

MedFish4Ever Ministerial Declaration

The Council endorsed the text of the draft "Malta MedFish4Ever Ministerial Declaration on Mediterranean fisheries" as the position of the EU and its member states. It also authorised the Commission the declaration on behalf of the European Union.

TRANSPARENCY

Public access to documents

On 27 March 2017, the Council approved:

- the reply to confirmatory application No 02/c/01/17 (doc. 6226/17)
