European Council

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COVER NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	European Council meeting (17 and 18 December 2015) – Conclusions

Delegations will find attached the conclusions adopted by the European Council at the above meeting.

I. MIGRATION

1. Over the past months, the European Council has developed a strategy aimed at stemming the unprecedented migratory flows Europe is facing. However, implementation is insufficient and has to be speeded up. For the integrity of Schengen to be safeguarded it is indispensable to regain control over the external borders. Deficiencies, notably as regards hotspots, relocation and returns, must be rapidly addressed. The EU institutions and the Member States must urgently:

   a) address the shortcomings at the Schengen external borders, notably by ensuring systematic security checks with relevant databases, and prevent document fraud;

   b) address deficiencies in the functioning of hotspots, including by establishing the necessary reception capacity to achieve their objectives; rapidly agree a precise calendar for further hotspots to become operational; ensure that Frontex and EASO have the necessary expertise and equipment;

   c) ensure systematic and complete identification, registration and fingerprinting, and take measures to tackle refusal of registration and stem irregular secondary flows;

   d) implement relocation decisions as well as consider including among the beneficiaries of existing decisions other Member States under high pressure who have requested this;

   e) take concrete measures to ensure the actual return and readmission of people not authorised to stay and provide support to Member States as regards return operations;

   f) enhance measures for fighting smuggling and trafficking of human beings;

g) ensure implementation and operational follow up to:

- the High Level Conference on the Eastern Mediterranean - Western Balkans route; in this context, it is important to help non EU Member States along the Western Balkans route to accomplish registration according to EU standards;
- the Valletta Summit, particularly as regards returns and readmission, and
- the EU-Turkey Statement of 29 November 2015 and the EU-Turkey Action Plan; in this context COREPER is asked to rapidly conclude its work on how to mobilise the 3 billion euro for the Turkey Refugee Facility;

h) continue implementing the agreed resettlement scheme;

i) continue to closely monitor flows along migration routes so as to be able to rapidly react to developments.

2. The Council should continue work on the crisis relocation mechanism taking into account experience gained, and rapidly decide on its position on the list of safe countries of origin. The Council is invited to rapidly examine the situation concerning Afghanistan. The Council should rapidly examine the Commission proposals of 15 December on a "European Border and Coast Guard", the Schengen Borders Code, "A voluntary humanitarian admission scheme", and travel documents for returns. The Council should adopt its position on the "European Border and Coast Guard" under the Netherlands Presidency. The Commission will rapidly present the review of the Dublin system; in the meantime, existing rules must be implemented. It will also soon present a revised proposal on Smart Borders.

3. The Presidency, the Commission and the High Representative will report back on progress before the February meeting of the European Council.

II. FIGHT AGAINST TERRORISM

4. The Paris terrorist attacks of 13 November 2015 have only strengthened our resolve to continue our uncompromising fight against terrorism and to make full use of all the tools at our disposal, including close cooperation with key partners such as the United States. The measures set out in the Statement of the Heads of State or Government of 12 February 2015, including those operationalised by the Council conclusions of 20 November 2015, need to be urgently implemented. The European Council will keep the situation regularly under review.

5. The recent terrorist attacks demonstrate in particular the urgency of enhancing relevant information sharing, notably as regards:

   a) ensuring the systematic entry of data on foreign terrorist fighters into the Schengen Information System II;

   b) ensuring the systematic sharing of criminal records data for people connected to terrorism (and serious and organised crime) and the extension of European Criminal Records Information System (ECRIS) to third country nationals;

   c) ensuring the interoperability of the relevant databases with regard to security checks;

   d) improving information exchange between Member States' counter-terrorism authorities, supporting the work of the new Europol CT Centre, and

   e) increasing Member States' contributions to Europol databases, as well as providing for the access of Europol and Frontex to relevant databases.

6. The agreement between the co-legislators on the proposal for a Directive on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime paves the way for its rapid adoption and implementation which will constitute a crucial step in the fight against terrorism. The European Council recalls the commitment of all Member States to apply the PNR to intra-EU flights, as well as to non air-carriers such as travel agencies and tour operators.

7. The commitment made by the Heads of State or Government last February for deeper cooperation between security services should be further pursued, in full respect of Member States' sole responsibility for national security, notably by structuring further their information exchange so that interested Member States can engage in enhanced joint operational threat analysis.

8. It is also crucial that Member States implement systematic and coordinated checks at external borders, including on individuals enjoying the right of free movement.

9. The Council will rapidly examine the Commission proposals on combatting terrorism and on firearms, in particular on high-powered semi-automatic weapons. Member States should fully implement the Regulation on explosives precursors.

10. The Council and the Commission will take rapidly further action against terrorist finance in all domains identified by the Council of 20 November; regarding in particular asset freeze and other restrictive measures, priority should be given to strengthening and, if need be, extending the existing measures to tackle ISIL/Da'esh-related activity throughout the EU.

11. The EU will urgently strengthen counter-terrorism engagement with partners in North Africa, the Middle East, Turkey and the Western Balkans.

12. To support criminal investigations, work will be taken forward on obtaining electronic evidence, especially when located abroad. This will include further engagement with the internet industry.

13. The Commission, the High Representative and the EU Counter-terrorism Coordinator will monitor the situation closely and report to the Council.

III. ECONOMIC AND MONETARY UNION

14. Further to the Five Presidents' report on completing the Economic and Monetary Union requested by the December 2014 European Council, the European Council confirms its commitment to work towards completing the Economic and Monetary Union, in full respect of the internal market and in an open and transparent manner. It asks the Council to swiftly examine the proposals put forward by the Commission as a follow-up to the report. In particular, work should rapidly advance as regards:

    a) more effective economic and fiscal governance, to boost competitiveness, convergence and sustainability;

    b) the euro area's external representation, to better reflect its weight in the world economy;

    c) the Banking Union, to enhance financial stability in the euro area.

    The Council will report on the progress achieved by June 2016.

15. The legal, economic and political aspects of the more long-term measures contained in the report need to be further explored. Further to additional work to be undertaken by the Commission and the Council, the European Council will come back to those measures at the latest by the end of 2017.

IV. INTERNAL MARKET

16. The internal market is Europe's main engine for growth and job creation and a key to investment and increasing European competitiveness. To reap all its benefits it is crucial for its legislation to be transparent, simple and based on the most efficient tools, such as harmonisation as well as mutual recognition. It should also be effectively and fully applied and enforced in practice, while adapting it to emerging challenges and minimising burdens on economic actors. Further to the Commission's initiatives to strengthen and deepen the Single Market, the European Council:

    a) calls for ambition in the implementation of the roadmap to delivering on the Single Market Strategy to achieve a deeper and fairer Single Market for goods and services in all key areas;

    b) in the interest of consumers and industry alike, invites the EU institutions to accelerate implementation of the Digital Single Market Strategy; welcomes the agreement reached on the data protection package as a major step forward;

    c) further to the Action Plan on Capital Markets Union, calls on the Parliament and Council to reach rapid agreement on the early actions, including securitisation.

17. The European Council stresses the importance it attaches to a successful conclusion of the TTIP negotiations. It urges all sides to redouble their efforts with a view to concluding an ambitious, comprehensive and mutually beneficial agreement as soon as possible with a view to harnessing the full potential of the transatlantic economy.

V. ENERGY UNION WITH A FORWARD-LOOKING CLIMATE POLICY

18. The European Council welcomes the historic outcome reached in Paris where the world adopted the first-ever global and legally-binding climate agreement with the aim to hold the global warming well below 2°C and to pursue efforts to limit it to 1.5°C. It invites the Commission and the Council to assess the results of COP21 by March 2016, in particular in view of the 2030 climate and energy framework and to prepare the next steps.

19. The European Council assessed progress in building the Energy Union with a forward-looking climate policy in all its dimensions. In this context, it calls for:

    a) swift submission of the relevant legislative proposals in line with its previous guidance;

    b) full implementation of the legislation on renewable energy, energy-efficiency and other measures, such as improved investment opportunities, in order to meet the 2020 target;

    c) preparation of an integrated strategy for research, innovation and competitiveness;

    d) swift implementation of projects of common interest and optimal use of infrastructure for the benefit of a fully-functioning and interconnected market and energy security. Any new infrastructure should entirely comply with the Third Energy Package and other applicable EU legislation as well as with the objectives of the Energy Union.

VI. UNITED KINGDOM

20. The European Council had a political exchange of views on the UK plans for an (in/out) referendum. Following today's substantive and constructive debate, the members of the European Council agreed to work closely together to find mutually satisfactory solutions in all the four areas at the European Council meeting on 18-19 February 2016.

VII. EXTERNAL RELATIONS

21. The European Council fully supports the efforts of the International Syria Support Group to end the conflict in Syria through a political process in line with the 2012 Geneva Communique, and the efforts of the Global Coalition to defeat the regional and global threat posed by ISIL/Da'esh. There cannot be a lasting peace in Syria under the present regime. The EU is committed to continue its active engagement in the International Syria Support Group and in the Global Coalition against ISIL/Da'esh. The European Council looks forward to the Syria Conference to be co-hosted by Germany, Norway, Kuwait, the UK and the UN on 4 February 2016.

22. The European Council notes that the objective of providing an additional 1 billion euro to respond to the urgent needs of refugees in the region to the United Nations High Commissioner for Refugees, the World Food Programme and other agencies has been exceeded and that it will remain attentive to the needs of the countries of the region.

23. The EU welcomes the signing in Skhirat of the Libyan political agreement as a very important step and stands ready to support the Government of National Accord as soon as it is formed. It urges all other parties not yet involved to join into the process.