European Council

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COVER NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	European Council meeting (20 and 21 October 2016) – Conclusions

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

I. MIGRATION

1. The European Council took stock of the latest developments concerning the EU's comprehensive migration policy, highlighting the importance of implementation. The debate focused in particular on the external dimension.

Protecting the external borders

2. The entry into force of the European Border and Coast Guard Regulation on 6 October and national efforts are important steps in strengthening control of our external borders and getting 'back to Schengen' by adjusting the temporary internal border controls to reflect the current needs. Member States are now deploying staff and equipment to the European Border and Coast Guard, so as to reach full capacity for rapid reaction and returns by the end of the year.

3. The European Council calls for a swift adoption of the revised Schengen Borders Code enforcing systematic controls on all travellers crossing EU external borders and calls on the Council to establish its position on an entry/exit system before the end of 2016. It looks forward to the forthcoming Commission proposal for setting up a European Travel Information and Authorisation System (ETIAS), to allow for advance security checks on visa-exempt travellers and deny them entry where necessary.

Tackling migratory flows

(a) Preventing illegal migration along the Central Mediterranean route

4. More efforts are needed to stem the flows of irregular migrants, in particular from Africa, and to improve return rates. Recognising the significant contribution, including of financial nature, made by the frontline Member States in recent years, the European Council:

- recalls the importance of continuing to work towards the implementation of a Partnership Framework of cooperation with individual countries of origin or transit, with an initial focus on Africa. Its objective is to pursue specific and measurable results in terms of preventing illegal migration and returning irregular migrants, as well as to create and apply the necessary leverage, by using all relevant EU policies, instruments and tools, including development and trade;

- recalls the need to tackle the root causes of migration in the region, including by supporting displaced persons in the region, thus helping to prevent illegal migration, and underlines the contribution of the Valletta Action Plan and the proposed External Investment Plan in this context. It welcomes the New York Declaration for Refugees and Migrants and calls on all global actors to shoulder their responsibilities in this respect;

- takes note of the Commission's "First progress report on the Partnership Framework with third countries under the European Agenda on Migration";

- calls on the High Representative, including in her role as Vice-President of the Commission, to present at the December European Council meeting progress with the five selected African countries and the first results achieved in terms of arrivals and returns. It will set orientations for further work on compacts and consider extending the approach to other countries;

- invites all actors to continue close cooperation on the compacts with a view to intensifying operational delivery, and Member States to reinforce national administrative processes for returns.

(b) Maintaining and tightening control of the Eastern Mediterranean route

5. A lasting stabilisation of the situation on the Eastern Mediterranean route requires the further implementation of the EU-Turkey statement and continued support for countries along the Western Balkans route. The European Council calls for:

- further efforts to accelerate returns from the Greek islands to Turkey, in line with the EU-Turkey statement, in particular by enhancing the efficiency and speed of asylum procedures;
- the rapid appointment of permanent coordinators in the Greek hotspots;
- Member States to respond in full to the calls for resources identified by the relevant EU agencies as being necessary to assist Greece;
- further progress on the full range of commitments vis-à-vis all Member States contained in the EU-Turkey statement, including as regards visa liberalisation. Co-legislators are invited to reach agreement within the next few weeks on the revision of the suspension mechanism applied to visas.

6. The European Council welcomes the progress made on developing compacts with Lebanon and Jordan to enhance support for refugees and host communities in both countries, and the signing of the "EU-Afghanistan Joint Way Forward on Migration Issues" on 2 October to tackle challenges linked to irregular migration and improve practical cooperation on returns, readmission and reintegration.

(c) Remaining vigilant about other routes

7. The EU will continue cooperation with other countries and closely monitor flows along other migration routes, including the Western Mediterranean, so as to be able to rapidly react to developments.

Addressing other elements of the comprehensive strategy

8. The European Council calls upon:

   - EASO to ensure that the asylum intervention pool becomes operational as soon as possible to support at any time and in sufficient numbers frontline Member States. To that effect, Member States will communicate as soon as possible the necessary experts to EASO and EASO will complement Member States' efforts by providing the necessary training and by contracting as required additional experts or services, with the support of the Commission;

   - Member States to further intensify their efforts to accelerate relocation, in particular for unaccompanied minors, and existing resettlement schemes[1];

   - the Council to agree before the end of the year on its position on the External Investment Plan, which is aimed at boosting investments and job creation in partner countries, with a view to swift agreement with the European Parliament in the first half of 2017.

9. The European Council also calls for work to be continued on the reform of the Common European Asylum System, including on how to apply the principles of responsibility and solidarity in the future. The European Council will revert to the issue in December.

II. TRADE

10. The EU is committed to a robust trade policy that reaps the benefits of open markets for growth and job creation, while taking into account the concerns of its citizens. Many millions of jobs in the EU depend on trade, which is and will remain a powerful engine for growth. Likewise, trade offers consumers a wider choice and provides increased opportunities for European businesses, including SMEs. The European Council reasserts the EU's commitment to an open and rules-based multilateral trading system.

[1] This is without prejudice to the position of Hungary and Slovakia, as contained in the Court proceedings launched relating to Council Decision n° 2015/1601, and to the position of Poland, which has intervened in support of the applicants.

11. EU trade interests include fully defending and promoting the social, environmental and consumer standards that are central to the European way of life, as well as the right of governments to regulate. As the largest trading block in the world, and a leading promoter of global standards, the EU will continue to address citizens' concerns, and to assist Member States in accompanying the changes that come with a fast-moving globalised world.

12. In this context the European Council believes that unfair trade practices need to be tackled efficiently and robustly. In order to safeguard European jobs, ensure fair competition in open markets and preserve free trade, it is of crucial importance that the EU's trade defence instruments are effective in the face of global challenges. This requires an urgent and balanced agreement on the Council position on the comprehensive modernisation of all trade defence instruments by the end of 2016. Adequate provisions should address situations in which market conditions are not prevailing. In this context, the European Council notes the Commission communication "Towards a robust trade policy for the EU in the interest of jobs and growth" of 18 October 2016.

13. The European Council assessed the state of play of on-going free trade agreement negotiations with key partners. It underlined the importance of a swift decision to sign and provisionally apply the EU-Canada Comprehensive Economic and Trade Agreement and encouraged continued negotiations with a view to finding a solution to the outstanding issues as soon as possible.

14. The European Council invites the Commission to actively pursue negotiations on a free trade agreement with Japan, with a view to reaching a political agreement by the end of the year. It also invites the Commission to continue the negotiations with the US authorities to be able to present an ambitious, balanced and comprehensive free trade agreement.

15. The European Council underlines the importance of intensifying ongoing negotiations with other trade partners, including Mercosur, committed to mutually beneficial market opening.

III. OTHER GLOBAL AND ECONOMIC ISSUES

16. The European Council welcomes the Union's ratification of the Paris Agreement on climate change, which triggered the Agreement's entry into force. It will keep under review the Energy Union, including all the elements of the 2030 climate and energy framework. Recalling its previous conclusions and the agreement reached in the Council on 30 September 2016, the European Council will continue to give strategic orientations on the related legislative proposals.

17. The European Council reconfirms previous conclusions, in which it called for the different Single Market strategies (Digital Single Market, Capital Markets Union, Energy Union and Single Market Agenda) to be completed and implemented by 2018. In this context, work should be taken up promptly on the recent proposals made by the Commission, including as regards the reform of the EU telecoms and copyright rules and the use of the 700 MHz band for mobile services, and on the completion of the Capital Markets Union, notably by swiftly reaching an agreement with the European Parliament on prospectus rules to improve access to finance for companies and on securitisation.

18. The European Council calls on the Council to agree its negotiating position on the Commission's new EFSI proposal at its meeting on 6 December, taking into account the independent external evaluation that will be delivered in November.

19. The European Council restates the importance of achieving tangible results by December on EU support for Member States in fighting youth unemployment and on enhancing EU youth programmes.

IV. EXTERNAL RELATIONS

20. The European Council strongly condemns the attacks by the Syrian regime and its allies, notably Russia, on civilians in Aleppo. It calls on them to bring the atrocities to an end and to take urgent steps to ensure unhindered humanitarian access to Aleppo and other parts of the country. The European Council calls for an immediate cessation of hostilities and for resumption of a credible political process under UN auspices. Those responsible for breaches of international humanitarian law and human rights law must be held accountable. The EU is considering all available options, should the current atrocities continue. Everything should be done to extend the ceasefire, bring in humanitarian aid to the civilian population and create the conditions for opening negotiations on a political transition in Syria.

21. The European Council invites the High Representative to continue, together with the Commission, pursuing the EU humanitarian initiative and medical evacuations in cooperation with the UN; and to reach out to key actors in the region on a political transition and on preparations for post-conflict reconciliation and reconstruction.

22. The European Council held a strategic policy debate on relations with Russia.