European Council

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COVER NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	European Council meeting (19 October 2017) – Conclusions

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

At the start of the meeting, the Member of the European Council representing the Member State holding the six-monthly Presidency of the Council provided an overview of progress on the implementation of earlier European Council conclusions.

I. MIGRATION

1. The approach pursued by Member States and EU institutions to ensure full control of the external borders is yielding results and must be consolidated. Overall, migratory flows are being significantly reduced and the number of deaths at sea has decreased.

2. The European Council is determined to pursue its comprehensive, pragmatic and resolute approach, and to apply it wherever necessary. This entails:

   - vigilance on all migration routes and readiness to react to any new trends;
   - a pragmatic, flexible and coordinated use of all available EU and Member States' instruments;
   - support for Member States directly affected or involved, including through continued support from EU agencies;
   - strong cooperation with international partners as well as with countries of origin, transit and departure;
   - reduction of incentives for illegal migration through effective returns;
   - adequate financial and other resources.

3. To consolidate and deepen this approach on all migration routes, the European Council further calls for the following:

- showing full commitment to our cooperation with Turkey on migration and to support for the Western Balkans;

- full and non-discriminatory implementation of the EU-Turkey Readmission Agreement with all Member States;

- ensuring significantly enhanced returns through actions at both EU and Member States level, such as effective readmission agreements and arrangements; the European Border and Coast Guard Agency should be further strengthened and play an increased role in organising returns;

- ensuring that CSDP missions and operations are fully staffed and that their mandates are adapted as required to assist in the fight against traffickers and smugglers networks and to help disrupting their business model; supporting the action of our partners of the G5 Sahel;

- applying voluntary resettlement schemes and developing them together with international partners, in particular the UNHCR;

- enhancing information and data sharing within the EU, between Member States, JHA agencies, and CSDP missions and operations, as well as with international partners; in this context, the European Council calls for the operational joint investigation teams to be extended to relevant countries;

- creating and applying the necessary leverage, by using all relevant EU policies, instruments and tools, including development, trade and visa, to achieve measurable results in terms of preventing illegal migration and returning irregular migrants.

4. As concerns the Central Mediterranean route, the European Council:

- recognises the significant contribution made by Italy on the Central Mediterranean route;

- calls for continued efforts by the EU and support for Member States to stem the flows and increase returns, as well as to build strong cooperation with countries of origin, transit and departure;

- reiterates the importance of working with the Libyan authorities and all neighbours of Libya to enhance border management capacity and underscores the urgency of supporting the development of the local communities in Libya along the migratory routes;

- encourages and calls to support, also financially, UNHCR and IOM efforts in Libya, the Sahel and the region, including to further facilitate voluntary returns and resettlement and to improve reception conditions in cooperation with Libyan authorities so as to ensure the humane treatment of migrants;

- commits to ensuring sufficient and targeted funding, including through the North Africa window of the EU Trust Fund for Africa, to underpin the necessary migration-related actions in North Africa and finance all relevant projects in 2017 and beyond, with timely disbursements. It tasks the Council, with the assistance of the Commission, to undertake immediate operational follow-up to ensure delivery on this commitment before the December European Council;

- calls for increased efforts to rapidly establish a permanent EU presence in Libya, taking account of the conditions on the ground.

5. The European Council calls for close monitoring of the situation along the Eastern and Western Mediterranean routes in light of recent increases in migration flows.

6. The European Council recalls that addressing the root causes of migration and providing economic and social opportunities in the countries of transit and origin are part of its long-term approach to migration. In this context, the European Council welcomes the recent launch of the European Fund for Sustainable Development, which supports investment in African and Neighbourhood countries. It also welcomes the implementation of the Economic Resilience Initiative of the European Investment Bank (EIB), mobilising investments in the Neighbourhood countries. It looks forward to discussing cooperation with African partners at the upcoming African Union-European Union Summit.

7. The European Council reiterates its commitment to the Schengen system and expresses the intention to get "Back to Schengen" as soon as possible while taking proportionate security interests of Member States fully into account.

8. The European Council welcomes the progress achieved so far on the reform of the Common European Asylum System and calls for further convergence towards an agreement which strikes the right balance between responsibility and solidarity and ensures resilience to future crises, in line with its June 2017 conclusions. The European Council will return to this matter at its meeting in December, and will seek to reach a consensus during the first half of 2018.

II. DIGITAL EUROPE

9. The Tallinn Digital Summit on 29 September 2017 sent a strong message on the need for a stronger and more coherent Digital Europe. Prime Minister Ratas's conclusions after the Summit provide an excellent basis for further work at all levels.

10. Digitalisation offers immense opportunities for innovation, growth and jobs, will contribute to our global competitiveness, and enhance creative and cultural diversity. Seizing these opportunities requires collectively tackling some of the challenges posed by the digital transformation and reviewing policies affected by digitalisation. The European Council is ready to do what it takes for Europe to go digital.

11. To successfully build a Digital Europe, the EU needs in particular:

- governments and public sectors that are fully brought into the digital age and lead by example: e-government and the deployment of new technologies, accessibility, one-stop government and the once-only principle, and a digitalised public sector are key to transforming our societies and supporting the EU's four freedoms. The European Council calls for implementing the Tallinn Ministerial Declaration on e-Government;

- a future-oriented regulatory framework: completing the Digital Single Market Strategy in all its elements by the end of 2018 remains an essential task. Despite considerable progress, work in this area needs to be accelerated in order to meet this deadline. To that end, the additional TTE/Telecom Council on 24 October should discuss how to speed up and prioritise the work on the Digital Single Market. Agreement between the co-legislators on geo-blocking, audio-visual media services and parcel delivery should be reached by the end of 2017. By June 2018, co-legislators should also agree on the free flow of non-personal data proposal and the electronic communications code. The European Council highlights the importance of ensuring adequate rules on data flows with third countries in trade agreements, without prejudice to EU legislation. Furthermore, negotiations on copyright and on the Digital Content Directive should be pursued as a matter of priority. The European Council also underlines the necessity of increased transparency in platforms' practices and uses;

- a first rate infrastructure and communications network: this requires cooperation at the EU level, inter alia with the aim of achieving world-class very high-speed fixed and mobile networks (5G) all across the EU and increased coordinated availabilities of spectrum by 2020 under consistent regulatory and economic conditions; this in turn requires dedicating all necessary legislative resources, including a sufficient number of trilogues, to reaching an agreement on the electronic communications code, including the necessary provisions on spectrum;

- a common approach to cybersecurity: the digital world requires trust, and trust can only be achieved if we ensure more proactive security by design in all digital policies, provide adequate security certification of products and services, and increase our capacity to prevent, deter, detect and respond to cyberattacks. To that end, the Commission's cybersecurity proposals should be developed in a holistic way, delivered timely and examined without delay, on the basis of an action plan to be set up by the Council;

- combating terrorism and online crime: efforts to this effect should be intensified as set out by the European Council in its June 2017 conclusions. The European Council welcomes the Commission's communication on Tackling Illegal Content Online and reiterates its readiness to support appropriate measures at EU level, if necessary;

- labour markets, training and education systems fit for the digital age: there is a need to invest in digital skills, to empower and enable all Europeans;

- a determined R&D and investment effort: to support new forms of entrepreneurship, and stimulate and assist the digital transformation of industries and services. EU instruments such as the EU Framework Programmes, including Horizon 2020, the European Structural and Investment Funds and the European Fund for Strategic Investments can help achieve this objective. The EU should also explore ways to set up the appropriate structures and funding to support breakthrough innovation;

- a sense of urgency to address emerging trends: this includes issues such as artificial intelligence and blockchain technologies, while at the same time ensuring a high level of data protection, digital rights and ethical standards. The European Council invites the Commission to put forward a European approach to artificial intelligence by early 2018 and calls on the Commission to put forward the necessary initiatives for strengthening the framework conditions with a view to enable the EU to explore new markets through risk-based radical innovations and to reaffirm the leading role of its industry;

- an effective and fair taxation system fit for the digital era: it is important to ensure that all companies pay their fair share of taxes and to ensure a global level-playing field in line with the work currently underway at the OECD. The European Council invites the Council to pursue its examination of the Commission communication on this issue and looks forward to appropriate Commission proposals by early 2018.

12. Our objective must be to create a more integrated Single Market and to deliver practical benefits for European citizens and businesses. The European Council will closely follow developments in this area and provide the necessary guidance. It calls on the institutions to step up the legislative work, and on the Member States to implement the relevant EU legislation and to take all the measures required within their sphere of competence so as to shape the new digital era. The European Council will at its level address issues that cannot be solved at the level of the Council.

III. SECURITY AND DEFENCE

13. The European Council recalls its June 2017 conclusions. It welcomes the significant progress made by Member States in preparing a Permanent Structured Cooperation (PESCO) notification with a common list of commitments, and on PESCO governance. It encourages those Member States in a position to do so to swiftly notify the Council and the High Representative of their intentions to participate in PESCO. This would allow for the launching of PESCO before the end of the year, with a view to swiftly implementing the commitments, including the launching of first projects. The European Council welcomes the work done so far by the co-legislators on the Commission's proposal for a European Defence Industrial Development Programme (EDIDP). It calls for an agreement within the Council by the end of the year, with a view to concluding negotiations with the European Parliament as soon as possible so as to have the first capability projects identified by the Member States financed in 2019.

14. The European Council encourages Member States to develop flexible and sound financing mechanisms within the European Defence Fund, to allow for joint procurement of capabilities and/or their joint maintenance and as a way of improving access to cutting-edge capabilities. The objective is to deliver capabilities, ensure a competitive, innovative and balanced basis for Europe's defence industry across the EU, including by cross border cooperation and participation of SMEs, and to contribute to greater European defence cooperation, by exploiting synergies and mobilising EU support in addition to Member States' financing. European defence industrial development will also require EU support for SME and intermediate (mid-cap) investments in the area of security and defence. It encourages the EIB to examine further steps with a view to supporting investments in defence research and development activities. It welcomes the launch of the trial run of the Coordinated Annual Review on Defence (CARD) which should contribute to spur enhanced defence cooperation among Member States.

15. The European Council highlights the need for PESCO, the European Defence Fund and CARD to be mutually reinforcing so as to enhance defence cooperation among Member States.

16. The European Council will revert to the issue in December 2017 and assess the progress achieved with regard to all aspects of the external security and defence agenda as set out in December 2016.

IV. EXTERNAL RELATIONS

17. The European Council held a debate on relations with Turkey.

18. The European Council calls on DPRK to fully and unconditionally comply without delay with its obligations under UN Security Council Resolutions and to abandon its nuclear and ballistic missile programs in a complete, verifiable and irreversible manner. The recent behaviour of the DPRK is unacceptable and poses a significant threat to the Korean peninsula and beyond. The European Council stresses that lasting peace and denuclearisation of the Korean peninsula must be achieved through peaceful means, through credible and meaningful dialogue. The EU sanctions' regime towards DPRK was further reinforced by the EU autonomous sanctions adopted by the Foreign Affairs Council on 16 October 2017. The European Council will consider further responses in close consultation with partners and the EU will continue to reach out to third countries urging the full implementation of UN sanctions.

19. The European Council reaffirms its full commitment to the Iran nuclear deal and endorses the statement by the Foreign Affairs Council of 16 October 2017.