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OUTCOME OF THE COUNCIL MEETING

3465th Council meeting

Justice and Home Affairs

Home Affairs

Brussels, 20 May 2016

President **Klaas Dijkhoff**
State Secretary for Security and Justice and Minister for
Immigration

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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.

ITEMS DEBATED**HOME AFFAIRS****Migration**

The Council discussed the current migratory situation and in particular the implementation of the 18 March EU-Turkey Statement. Ministers reaffirmed the need to speed up implementation of the Statement and in particular the resettlement of Syrian refugees from Turkey in the framework of the 1:1 scheme. Member states were also invited to accelerate the relocation of asylum seekers from Greece and Italy in accordance with the relevant Council decisions. Furthermore, the Council underlined the need to work towards a credible Humanitarian Admission Scheme to resettle Syrian nationals in Turkey to the EU.

Member states shared the analysis made by the Commission on the measures taken by Turkey since 20 March, including its assessment that Turkey has taken all the necessary steps identified in the Communication of 16 March. Member states expressed their conviction that migrants can and should be returned to Turkey in conformity with the EU-Turkey Statement of 18 March.

Visa policy

Ministers held a general debate on visa policy in the light of the Commission's recent proposals on visa liberalisation.

The Council stressed that visa requirements can only be lifted when previously agreed benchmarks are fulfilled. Ministers noted that the decision will be taken in a strict and fair manner on whether these benchmarks are fulfilled on the basis of the assessment by the Commission.

The four proposals that are currently on the table (namely Georgia, Ukraine, Kosovo* and Turkey) will be examined further in the coming weeks in the relevant bodies of the Council.

Moreover, the Council agreed its negotiating position on the proposed regulation to revise the suspension mechanism which can be applied to all existing visa liberalisation agreements. On the basis of this mandate, the Netherlands presidency will start negotiations with the European Parliament as soon as the latter has adopted its position.

The main objective of this proposal is to strengthen the suspension mechanism by making it easier for member states to report circumstances leading to a possible suspension and by enabling the Commission to trigger the mechanism on its own initiative.

* This designation is without prejudice to position on status, and is in line with UN Security Council Resolution 1244/99 and the International Court of Justice Opinion on the Kosovo declaration of independence

European Border Guard

The Council was briefed by the presidency on the state of play as regards the proposed regulation establishing a European Border Guard ([8838/16](#)).

The presidency announced that a vote in the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE) is expected on 30 May and that it is prepared to start the interinstitutional negotiations soon afterwards.

The presidency's aim is for the two co-legislators to reach an agreement by the end of June, as requested by the European Council.

Other business

The Council took note of the information provided by the Slovak delegation on the Third Ministerial Conference of the Prague Process, to be held in Bratislava on 19-20 September 2016.

The Council took note of the information provided by the Croatian delegation on the Salzburg Forum Ministerial Conference, to be held in Dubrovnik on 14 June 2016.

MIXED COMMITTEE

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

Migration

See item above.

Visa policy

See item above.

European Border Guard

See item above.

Other business

The Committee took note of the information provided by the Hungarian delegation on the Ministerial Forum for Member States of the Schengen Area with External Land Borders which took place in Szeged, Hungary, on 12-13 May 2016.

OTHER ITEMS APPROVED**JUSTICE AND HOME AFFAIRS****Visa waiver suspension mechanism**

The Council agreed its negotiating position on the proposed regulation to revise the suspension mechanism which can be applied to all existing visa liberalisation agreements. On the basis of this mandate, the Netherlands presidency will start negotiations with the European Parliament as soon as the latter has adopted its position.

The main objective of this proposal is to strengthen the suspension mechanism by making it easier for member states to report circumstances leading to a possible suspension by enabling the Commission to trigger the mechanism on its own initiative and by tasking the Commission with sending a yearly report to the European Parliament and Council on the continuous fulfilment of the criteria by visa-exempt third countries.

For more information see the [press release](#).

Visa facilitation - EU-Cape Verde

The Council adopted a decision on the position to be taken on behalf of the EU within the Joint Committee set up under the Agreement between the EU and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the EU, with regard to the adoption of the rules of procedure of the Joint Committee ([8064/16](#)).

Customs cooperation - Croatia

The Council adopted a decision concerning the accession of the Republic of Croatia to the Convention of 18 December 1997, drawn up on the basis of Article K.3 of the Treaty of the European Union, on mutual assistance and cooperation between customs administrations ([8418/16](#)).

EU-US data protection - Umbrella Agreement

The Council adopted a decision ([8505/16](#)) authorising the signing of an agreement between the European Union and the United States of America on the protection of personal information relating to the prevention, investigation, detection and prosecution of criminal offences.

This so-called Umbrella Agreement puts in place a comprehensive high-level data protection framework for law enforcement cooperation. It will facilitate law enforcement cooperation while at the same time providing safeguards and guarantees of lawfulness for data transfers, thereby strengthening fundamental rights.

The agreement should be signed during the next EU-US ministerial meeting taking place on 1 and 2 June in Amsterdam.

INTERNAL MARKET

Cosmetic products: methylisothiazolinone

The Council decided not to oppose the adoption by the Commission of three regulations amending [regulation 1223/2009 on cosmetic products](#) concerning the use of methylisothiazolinone ([7628/16](#) and [7628/16 ADD1](#)).

The draft Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent the Commission may adopt it unless the European Parliament objects.
