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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: European Council (18-19 February 2016)
- Draft conclusions

In accordance with Article 2(3)(a) of the Council's Rules of Procedure, delegations will find attached the draft conclusions prepared by the President of the European Council, in close cooperation with the member of the European Council representing the Member State holding the six-monthly Presidency of the Council and with the President of the Commission.

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I.

THE UNITED KINGDOM AND THE EUROPEAN UNION

1. At their December meeting, the members of the European Council agreed to work closely together to find mutually satisfactory solutions in all the four areas mentioned in the British Prime Minister's letter of 10 November 2015.
2. Today, the European Council agreed that the following set of arrangements, which are fully compatible with the Treaties and will become effective on the date the Government of the United Kingdom informs the Secretary General of the Council that the United Kingdom has decided to remain a member of the European Union, constitute an appropriate response to the concerns of the United Kingdom:
 - (a) a Decision of the Heads of State or Government, meeting within the European Council, concerning a new settlement for the United Kingdom within the European Union (Annex 1);
 - (b) a Statement containing a draft Council Decision on specific provisions relating to the effective management of the banking union and of the consequences of further integration of the euro area which will be adopted on the day the Decision referred to in point (a) takes effect (Annex 2);
 - (c) a Declaration of the European Council on competitiveness (Annex 3);
 - (d) a Declaration of the Commission on a subsidiarity implementation mechanism and a burden reduction implementation mechanism (Annex 4);
 - (e) a Declaration of the Commission on the safeguard mechanism referred to in paragraph 2(b) of Section D of the Decision of the Heads of State or Government (Annex 5);
 - (f) a Declaration of the Commission on issues related to the abuse of the right of free movement of persons (Annex 6).
- 3.

Regarding the Decision in Annex 1, the Heads of State or Government have declared that:

- (i) this Decision gives legal guarantee that the matters of concern to the United Kingdom as expressed in the letter of 10 November 2015 have been addressed;
- (ii) the content of the Decision is fully compatible with the Treaties;
- (iii) this Decision is legally binding, and may be amended or repealed only by common accord of the Heads of State or Government of the Member States of the European Union;
- (iv) this Decision will take effect on the date the Government of the United Kingdom informs the Secretary General of the Council that the United Kingdom has decided to remain a member of the European Union.

II. MIGRATION

4. The European Council assessed the state of implementation of the orientations agreed in December to address the migration crisis:

- stemming the migration flows continues to be a priority in relations with relevant third countries. The comprehensive and tailor-made packages of incentives currently being developed for specific countries to ensure effective returns and readmission, as asked for in the October European Council conclusions, require the full support of the EU and the Member States. The European Council calls on the Commission, the High Representative and the Member States to monitor and address any push factors that may arise;
- humanitarian assistance should continue to be provided to the countries neighbouring Syria. This is a global responsibility. In this context, the European Council welcomes the outcome of the Syria Conference in London on 4 February and calls on the Commission and all Member States to rapidly implement their commitments;

- the continued and sustained irregular migrant flows along the Western Balkans route remain a grave concern that requires continued concerted action and EU support. It is also important to remain vigilant about potential developments on alternative routes;
- important steps have been taken by Turkey in the implementation of the EU-Turkey Action Plan on access to the labour market and data sharing with the EU. However, the flows of migrants arriving in Greece from Turkey remain much too high. This calls for further, decisive efforts. In this respect the European Council welcomes the agreement reached on the Refugee Facility for Turkey and calls on the Commission and the Member States to swiftly implement the priority projects;
- the Council Recommendation on addressing serious deficiencies identified in the application of the Schengen acquis in the field of management of the external borders constitutes an important step towards restoring in a concerted manner the normal functioning of the free circulation area, with adequate support to Member States which face difficult circumstances. All Members of the Schengen area should apply fully the Schengen Borders Code and refuse entry at external borders to third-country nationals who do not satisfy the entry conditions or who have not made an asylum application despite having had the opportunity to do so;
- with the help of the EU, the setting up and functioning of hotspots in Italy and Greece is gradually improving as regards identification, registration and fingerprinting; however, much remains to be done, in particular on reception facilities necessary to accommodate migrants while their situation is being clarified;
- the humanitarian situation of migrants in Greece and in countries along the Western Balkans route calls for urgent action through the use of all available EU and national means to alleviate it. To this end, the European Council considers it necessary to put in place the capacity for the EU to provide humanitarian assistance in cooperation with

organisations such as the UNHCR, both internally and externally, to support countries facing large numbers of refugees and migrants;

- all the elements agreed last December should be implemented rapidly. As far as the "European Border and Coast Guard" proposal is concerned, work should be accelerated with a view to reaching a political agreement under the Netherlands Presidency.

III. EUROPEAN SEMESTER

5. The European Council endorsed the recommendation on the economic policy of the euro area.