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NOTE

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

Subject: European Council (15 December 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.

I. MIGRATION

External dimension

1. The European Council recalls its October conclusions concerning the Eastern Mediterranean route. It reiterates its commitment to the EU-Turkey statement and underlines the importance of a full and non-discriminatory implementation of all aspects. It also renews its pledge to continue support for the countries along the Western Balkans route.
2. The new Partnership Framework of cooperation is an important tool for addressing illegal migration and its root causes, particularly with regard to the Central Mediterranean route. The European Council welcomes the progress on implementation of the compacts with five African countries of origin or transit and the growing ownership in the partner countries. In the light of this experience, additional compacts or other forms of cooperation could be envisaged, taking into account the resources available. The objectives of the Partnership Framework set out by the European Council last June should be mainstreamed into other external instruments and policies of the EU and its Member States. The European Council calls upon Member States to continue and step up their engagement under the Partnership Framework and will keep progress on stemming the flows and improving return rates under close review.
3. In order to reinforce the implementation of the Valletta Action Plan and the Partnership Framework, the agreement reached in the Council on the European Fund for Sustainable Development and on the EIB External Lending Mandate should be followed by swift adoption of the relevant legislation. In this respect, the European Council welcomes the fact that the EIB has started to implement its Resilience Initiative for the Western Balkans and Southern Neighbourhood.
4. The European Council underlines the need to enhance support for the Libyan coastguard, including through EUNAVFOR MED operation Sophia, so as to increase its capacity to prevent the loss of life at sea and break the business model of smugglers. In parallel, initiatives need to be taken to offer assisted voluntary return opportunities to migrants stranded in Libya and curtail dangerous journeys.

5. The European Council recalls the importance of adequate resources being put at the disposal of the European Asylum Support Office (EASO) and the European Border and Coast Guard. In this context, it welcomes the fact that EASO will start recruiting dedicated staff to ensure a stable and sustainable capacity.

Internal dimension

6. The effective application of the principles of responsibility and solidarity remains a shared objective. Sustained efforts over the past months to review the Common European Asylum System have shown areas of convergence. Building on this work, the Council is invited to continue the process with the aim of broadening consensus on the EU's asylum policy during the next Presidency.

II. SECURITY

Internal security

7. The European Council reaffirms its commitment to the implementation of the European Union Internal Security Strategy 2015-2020. The impending agreement between co-legislators on the Counter-Terrorism Directive is an important step and should be followed by swift adoption of the proposals on firearms and on anti-money laundering and implementation of new passenger name record (PNR) legislation. The European Council calls for effective cooperation with electronic service providers based inside and outside the EU.

8. The European Council welcomes the agreement on the revised Schengen Borders Code enforcing systematic controls on all travellers crossing EU external borders and calls for its swift implementation by the Member States. The co-legislators should agree by June 2017 on the Entry/Exit System and by the end of 2017 on a European Travel Information and Authorisation System to ensure that visa-exempt travellers are screened more systematically. It also calls for continued delivery on the interoperability of information systems and data bases.

External security and defence

9. Europeans must take greater responsibility for their security. In order to strengthen Europe's security and defence in a challenging geopolitical environment and to better protect its citizens, confirming previous commitments in this respect, the European Council stresses the need to do more, including by committing sufficient additional resources. For Member States who are also members of NATO, this should be done in accordance with NATO guidelines on defence expenditure. The European Council also calls for reinforcing cooperation in the development of required capabilities as well as committing to making such capabilities available when necessary. The European Union and its Member States must be able to contribute decisively to collective efforts, as well as to act autonomously when and where necessary and with partners wherever possible. The European Council looks forward to a comprehensive revision of the Athena mechanism, by the end of 2017.

10. The European Council endorses the Council conclusions of 14 November on implementing the EU Global Strategy in the area of Security and Defence which sets the level of ambition of the EU. It calls for their rapid and comprehensive follow-up by the High Representative and Member States. In particular, the High Representative will present proposals in the coming months as regards the development of civilian capabilities, the parameters of a Member States' driven Coordinated Annual Review on Defence, the process of developing military capabilities taking into account Research and Technology (R&T) and industrial aspects, the establishment of a permanent operational planning and conduct capability at the strategic level, the strengthening of the relevance, usability and deployability of the EU's rapid response toolbox, elements and options for an inclusive Permanent Structured Cooperation based on a modular approach and outlining possible projects, and the covering of all requirements under the Capacity Building in Security and Development (CBSD). In this context, the European Council calls on the co-legislators to adopt the Commission proposal on CBSD in the first half of 2017.

11. The European Council welcomes the Commission's proposals on the European Defence Action Plan as its contribution to developing European security and defence policy, stressing the importance of fully involving Member States, and calls on all relevant actors to take work forward. The Council is invited to rapidly examine the related Commission proposals, notably on the adaptation of the EIB lending criteria to the defence sector. The Commission is also invited to make proposals for the establishment of a European Defence Fund including a window on the joint

development of capabilities commonly agreed by the Member States in the first semester of 2017.

12. The European Council urges swift action to follow up on the Council conclusions of 6 December 2017 implementing the Joint Declaration signed in Warsaw by EU and NATO leaders, avoiding duplication and ensuring complementarity between EU and NATO, in particular as regards hybrid threats, maritime security, exercises, strategic communication and capabilities development.

13. The European Council calls for the work on external security and defence to be taken forward speedily and asks the Council to report back in March so that it can review progress. It will provide further strategic guidance in June.

14. The European Council will regularly assess progress made in addressing the main internal and external threats that the EU faces.

III. ECONOMIC AND SOCIAL DEVELOPMENT, YOUTH

15. The European Council welcomes the agreement reached in the Council on the extension of the European Fund for Strategic Investment (EFSI), which should be adopted by the co-legislators in the first half of 2017.

16. It reiterates the importance of the various Single Market strategies and the Energy Union, which should be completed and implemented by 2018. It welcomes the progress achieved so far and urges all Institutions to build on this momentum and further increase the level of ambition notably in the vital areas of services and the Digital Single Market, ahead of the March 2017 European Council. It calls for removing the remaining barriers within the Single Market, including those hampering the free flow of data.

17. The European Council calls for the continuation of the Youth Guarantee and welcomes the increased support for the Youth Employment Initiative. It also calls for work to be taken forward on the recent Commission initiatives dedicated to youth, including on mobility, education, skills development and the European Solidarity Corps.

18. The European Council calls on the Council and the Commission to evaluate the impact of mainstreaming industrial policy in the EU strategic initiatives and to consider further action to strengthen the industrial base of the Single Market.

19. The European Council welcomes the recent Commission proposals to reduce risk and increase resilience in the financial sector and calls for their swift adoption.

IV. EXTERNAL RELATIONS

Ukraine

20. p.m.

Syria

21. The European Council strongly condemns the continued assault on Aleppo by the Syrian regime and its allies, notably Russia, including the deliberate targeting of civilians and hospitals. It fully supports the UN's humanitarian plan for eastern Aleppo and calls on the regime and Russia to allow the UN to deliver humanitarian assistance and evacuate the sick and wounded. Hostilities in Syria must cease immediately. The EU will work constructively with all partners, under UN auspices, towards a transition as agreed in UNSCR 2254. Those responsible for breaches of international law, some of which may amount to war crimes, must be held accountable. The EU is considering all available options. The EU will provide support for Syria's reconstruction only once a credible political transition is firmly under way.